

# **DOMINICAN REPUBLIC 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Dominican Republic is a representative constitutional democracy. In May 2012 voters elected Danilo Medina of the Dominican Liberation Party (PLD) as president for a four-year term. Impartial outside observers assessed these elections as generally free and orderly despite irregularities, including allegations of voter fraud, unequal access to the media, and inadequacies in the legal framework that regulates the use of public resources and campaign financing. Authorities failed at times to maintain effective control over the security forces.

The most serious human rights problem was discrimination against Haitian migrants and their descendants, including the Constitutional Tribunal's September 2013 ruling that descendants of individuals considered to be illegally in the country, most of whom are of Haitian descent, were not entitled to Dominican nationality.

Other human rights problems included extrajudicial killings by security forces; overcrowded and dangerously substandard prison conditions; arbitrary arrest and detention; lengthy pretrial detention; weak rule of law; impunity for corruption; chronic violence against women, including domestic abuse, rape, and femicide; trafficking in persons; discrimination against persons based on sexual orientation or gender identity; and inadequate enforcement of labor laws.

Although the government took steps to punish officials who committed abuses, there was a widespread perception of official impunity, especially concerning officials of senior rank.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

Neither the government nor its agents committed politically motivated killings; there were reports, however, that security forces were involved in killings that were unlawful, unwarranted, or involved excessive use of force.

Statistics on police killings varied, but the reported information demonstrated a persistent problem. The National Police reported 136 persons killed in confrontations with police through September. According to the latest figures

available, the National Human Rights Commission (NHRC), a nongovernmental organization (NGO), estimated 155 persons killed in confrontations with police through September, some of which they alleged involved unlawful or excessive use of force by police officers. The methodology used to arrive at this figure was unclear. Human rights NGOs asserted that, as in previous years, police employed unwarranted and/or unlawful deadly force against some criminal suspects.

Police operated in a dangerous environment: gun ownership was widespread, and the homicide rate was high, especially in urban areas. The National Police's Department of Information and Statistics reported 1,212 killings through August, the lowest number for that time period in 10 years. Police continued to justify the use of deadly force as an appropriate response to gunfire from criminal suspects. According to the National Police's Department of Information and Statistics, 33 police officers died in the line of duty through September. Although police defended their conduct, Amnesty International (AI) and NGO reports indicated an increased number of incidents in which police officers used force disproportionate to the threat they faced.

On May 26, Second Lieutenant Mercedes Carmen Torres, in her first month in the Metropolitan Transport Authority force, was shot and killed by two men, allegedly to steal her service weapon while she was directing traffic. National Police officers shot and killed the two accused killers: 15-year-old Walder Sanchez on May 30 and 21-year-old Juan de la Cruz Adames on May 31. Officers allegedly shot Sanchez multiple times; according to his girlfriend, Sanchez was unarmed. Attorney General Francisco Dominguez Brito ordered an investigation into all the deaths on June 1. The investigation was in progress as of December.

On February 4, the First Court of the National District found Corporal Jairon Ramon Medrano Germosen guilty of murder in the 2012 killing of medical student William Florian Ramirez and sentenced him to eight years in prison.

## **b. Disappearance**

There were no new reports of politically motivated disappearances.

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

Although the law prohibits torture, beating, and physical abuse of detainees and prisoners, there were instances in which members of the security forces, primarily

police, reportedly carried out such practices. The Attorney General's Office reported that police were involved in incidents that resulted in maiming or severe injury to unarmed civilians. AI reported the use of electroshocks during interrogation of suspects.

The law provides penalties for torture and physical abuse, including sentences from 10 to 15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging physical abuse and related crimes. Authorities often sent physical abuse cases to civilian criminal courts, especially after the abolition of separate police and military courts. Security forces handled some abuse cases internally and, according to NGOs, many cases of human rights abuses remained unpunished.

The NHRC reported that police continued to use various forms of physical and mental abuse to obtain confessions from detained suspects. According to local NGOs and media, security officials mistreated civilians, detainees, prisoners, and migrants. According to the NHRC, abusive methods used to extract confessions included covering prisoners' heads with plastic bags, hitting prisoners with broom handles, forcing prisoners to stand overnight without sitting, and hitting prisoners in the ears with gloves or cloths so as not to leave marks. Former detainees told the NHRC they were handcuffed, hung from bars or nails by their handcuffs, and beaten when they attempted to put their feet on the floor. Other reported abuses included cases of illegal deportations, degrading treatment of prisoners, and mass round-ups that were used as opportunities for extortion. Instances of cruel and inhuman treatment most often involved undocumented Haitian migrants in poor urban areas as well as along the country's border with Haiti.

Senior police officials treated the prohibition on physical abuse and inhuman treatment seriously, but lack of supervision and training throughout much of the law enforcement and corrections systems undercut efforts to contain the problem.

Authorities assigned lawyers from the National District Prosecutor's Office to monitor the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate (DNCD) offices. The NHRC reported that no police officers attended their human rights training through September. The NHRC reported that they continued to offer the course to police.

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

Prison conditions in traditional prisons ranged from fair to extremely harsh. Threats to life and health included communicable diseases, poor sanitation, poor access to health services, a lack of well-trained prison guards, and prisoners brutalizing other inmates. These problems were exacerbated by severe overcrowding, difficulty staffing prisons due to the risk of contracting infectious diseases, and a lack of capacity to segregate tens of thousands of pretrial prisoners and inmates with communicable diseases from the general population.

In contrast to traditional prisons, model prisons were run entirely by trained civilian guards; were not overcrowded; provided every prisoner with a bed, adequate shower, and sanitary facilities; and generally met the basic nutritional needs of inmates. In traditional prisons a warden who reported to the attorney general was technically responsible for running each prison, but police or military officers (generally appointed for a period of only three to six months and responsible for providing security) were usually in charge. According to the Directorate of Prisons, military and police personnel guarded traditional prisons, while a trained civilian guard corps provided security at the newer “model prisons” known as correctional and rehabilitation centers (CRCs).

Physical Conditions: As of August there were 26,664 prisoners held in 38 prisons with an overall intended capacity of 14,321. Of the 38 prisons, 19 were traditional facilities, 18 were CRCs, and one prison held minors. In addition, there were five palaces of justice to house temporary detainees. The CRCs were at capacity with 8,871 prisoners. Virtually all traditional prisons and detention centers were overcrowded; the CRCs operated near capacity. La Victoria prison, for example, which is the largest and most overcrowded prison in the country, held 8,526 prisoners in a facility designed for less than 2,011 prisoners. Najayo men’s prison, the second largest in the country, was built for 950 prisoners and held more than 1,785 prisoners.

Traditional prisons were all segregated by gender, except for La Romana prison. Prisoners in the CRCs were all separated by gender, and there were separate standing structures at the prisons of Najayo, Bani, and Rafey for female prisoners. As of August there were approximately 693 female prisoners. Of the inmate population in the CRCs, 8,364 were male and 507 were female. Police officers and former military members convicted of criminal activity were held in special sections of the prisons or the palaces of justice. Pretrial and sick inmates, however, were not separated from other inmates. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population. In traditional prisons

prisoners must purchase their own medications unless the infirmary has donated supplies.

Overcrowding and communicable disease were serious problems. Most reported deaths were related to illnesses, including tuberculosis and HIV/AIDS. According to the Directorate of Prisons, as of August 7, 45 prisoners died in correctional facilities. No deaths were attributed to abuses by prison guards.

Health and sanitary conditions were generally poor, and prisons generally did not provide adequate medical care to inmates. Prisoners commonly slept on the floor because there were no beds for them. Shower and sanitary facilities were often inadequate. More than 65 inmates in Najayo traditional men's prison shared one shower and toilet. The frequency of illness among prisoners continued to rise due to overcrowding. Common illnesses included cold, flu, bronchitis, upper respiratory infections, intestinal illnesses, gastroenteritis, skin infections, parasites, tuberculosis, hepatitis, diabetes, hypertension, and HIV/AIDS. According to the Directorate for the Control of Sexually Transmitted Diseases and HIV/AIDS, 9 percent of the prison population was HIV/AIDS positive. Approximately 5 percent of the prison population was officially recorded as HIV/AIDS positive. The Directorate of Prisons reported all prisons in the system provided on-site HIV/AIDS treatment and care services, but the prison ombudsman reported only the CRCs had adequate on-site HIV/AIDS treatment and care services. Prisoners often paid for their own medication.

According to the prison ombudsman, most of the 18 CRCs had inmates with HIV/AIDS and all provided HIV/AIDS treatment and care services to those inmates. Inmates in the model prisons who had severe cases of HIV/AIDS or terminal illnesses were transferred to hospitals temporarily and often benefitted from requests to change penalties to house arrest.

According to the director general of prisons, inmates received three meals per day, but many inmates in traditional prisons reportedly purchased food from persons in the vicinity of the prison, obtained it from family members, or resorted to begging. Inmates reported in two different prisons that the quantity of food was sufficient, but that the quality was low. The NHRC reported that in some traditional prisons there was insufficient food and potable water to meet prisoners' needs.

Reports of mistreatment and violence in prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors.

Some prisons remained effectively out of the control of authorities, and there were allegations of drug and arms trafficking, prostitution, and sexual abuse within prisons. A common sentiment among prison wardens at traditional prisons was that while the wardens may control the perimeter, inmates often ruled the inside with their own rules and system of justice. This situation differed generally from the CRCs, where civilian prison guards maintained control of prison areas.

On May 28, Jose Paulino Ovidio Ficart, an inmate at La Victoria prison, allegedly strangled his partner, Maria del Carmen Henriquez Bocio, and then killed himself when the victim visited the prisoner in the prison's infirmary. The prison authorities and the attorney general were investigating the incident as of November.

Although the law states that prisoners must be separated according to the severity of the criminal offense, authorities did not have the capability to do so. According to estimates from the Directorate of Prisons, 58 percent of prisoners were in pretrial or preventive custody. The law states that the pretrial waiting period should not exceed three months, but it can be extended to as long as 18 months in certain complex cases. The Directorate of Prisons reported that the majority of prisoners in pretrial detention waited for three months, but there were cases of persons in pretrial detention for as long as a year.

Juveniles were processed using specialized juvenile courts and generally were held in juvenile facilities. There were 464 minors in prison as of August.

In the case of the CRCs, some prisoners with mental disabilities were separated and received treatment, including therapy, for their illnesses. There were no efforts to provide services to prisoners with mental disabilities in traditional prisons.

Administration: Recordkeeping in prisons was inadequate, primarily due to lack of resources. The director general of prisons did not report any improvement to recordkeeping during the year. Authorities used alternative sentencing for nonviolent offenders; however, information regarding specific laws, executive orders, and accurate statistics was not available.

Prisoners could observe their religious practices and generally had access to visitors, but visitors often had to bribe prison guards to visit prisoners. The Office of the Public Defender filed an injunction (“amparo”) against the prison in the palace of justice in San Francisco de Macoris in 2011 because it did not allow prisoners access to attorneys or family members on the weekends. In 2012 the

Constitutional Tribunal ordered the attorney general to allow prison visits according to the legal protocol, but according to the NGO Citizen Participation, the ruling has not been implemented. Inmates were allowed conjugal visits, and female prisoners who gave birth while incarcerated were permitted to keep their babies with them for up to a year. Some CRCs provided a recreational area for inmates' babies. The Directorate of Prisons, however, reported that as of November, there were no children in the system. Prisoners were often not taken to their trials unless they paid bribes to the guards. Similarly, detainees had to pay bribes to be allowed to attend vocational training offered at some facilities. Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. There were credible allegations that prisoners could pay bribes to obtain early release on parole.

The CRC program served as a rehabilitation center to prepare detainees for an eventual return to their communities. The CRCs provided educational, labor, and artistic opportunities to rehabilitate detainees in a setting of respect and discipline. In the Najayo CRC, the administration collaborated with a local technical university to provide inmates with morning academic classes five days a week. These classes ranged from primary to high school level.

Independent Monitoring: The government permitted visits and monitoring by independently funded and operated nongovernmental observers and the media. These groups operated independently from the government. Manuel Maria Mercedes, who was also the director of the NHRC, served as the prison ombudsman. Prisoners could submit complaints about their treatment verbally or in writing, and most often did so through family members, lawyers, or human rights defenders. Public defenders also provided legal services to prisoners and in some cases assisted with certain complaints. Some complaints were referred to the Directorate of Prisons.

Improvements: The government made advances with newer CRCs, where prisoners experienced improved conditions in comparison with other facilities. The government continued work on the traditional prison Najayo to convert it into a CRC and built a new CRC for women during the year.

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

The criminal procedures code (CPC) prohibits detention without a warrant unless a suspect is apprehended during the commission of a criminal act or in other limited circumstances. Authorities may detain a person without charge for up to 48 hours.

Arbitrary arrest and detention continued to be problems, and there were numerous reports of individuals held and later released with little or no explanation for the detention. According to the NHRC, more than 50 persons were detained arbitrarily through September.

### **Role of the Police and Security Apparatus**

The National Police, the Tourist Police, the National Department of Intelligence (DNI), the DNCD, the Airport Security Authority and Civil Aviation (CESAAC), the Metro Police, the Port Security Authority (CESEP), the frontier guards (CESFRONT), and the armed forces (army, air force, and navy) form the security forces. The Secretariat of Interior and Police is responsible for making policy decisions affecting police force. The military, CESAAC, CESEP, and CESFRONT are under the minister of the armed forces; the DNI and the DNCD, which have personnel from police and military, report directly to the president.

President Medina developed a citizen security plan to create and execute policy initiatives, regulations, and administrative reform. As part of this plan, in 2012 President Medina created a commission to reform the National Police, with the goal of salary increases for police officers, the provision of better equipment, and increased level of education for members of the police force, but as of November the Congress had yet to pass legislation needed to implement the reforms. In May the president created a National Council for Citizen Security and established that the function of the Citizenship Observatory created in 2012 was to collect, consolidate, process, and analyze the country's crime information. President Medina also redefined the members of the Observatory's Operational Technical Unit to include the Attorney General's Office, the National Police, the Institute of Foreign Sciences, the Prosecutor's Office, the Metropolitan Transportation Authority, the National Directorate for Drug Control, the National Statistics Office, the Ministry of Women, the National Council for Children and Adolescents, and Santo Domingo's city hall.

As part of this initiative, President Medina introduced mixed military-police street patrols, appointed new senior police officials and a new police chief, and approved a new penal code. The president also deployed 4,000 members of the army to assist police in an attempt to reduce crime and improve overall citizen security.

Authorities fired or prosecuted police officers found to have acted outside of established police procedures. The Department of Information and Statistics at the

National Police reported 48 police officers were fired for misconduct through September.

The Internal Affairs Unit effectively investigated charges of gross misconduct by members of the National Police. These cases involved physical or verbal aggression, threats, improper use of a firearm, muggings, and theft. Internal Affairs conducted 921 investigations from January to July. Of these, 125 were for excessive use of force, 235 for aggression, 153 for death threats, and 130 for police corruption. The investigations resulted in recommendations for 73 dismissals and 150 sanctions. The statistics office provided the names of 48 officers dismissed, four forced into retirement for bad conduct and 378 sanctioned through September. Authorities pursued prosecution or investigation of high-level officials suspected of involvement in criminal activities to a lesser degree. Internal Affairs reported that from January to July, it recommended 12 dismissals and nine disciplinary actions for senior officers for illicit activities. On May 30, a local newspaper, *El Dia*, reported the chief of National Police acknowledged that police protected individuals who killed known delinquents.

Training for military and DNCD enlisted personnel and officers, as well as members of the national police, included instruction on human rights. According to the National Police's Department of Statistics and Information, 257 police officers underwent human rights training at the Police Institute of Higher Learning through September; an additional 807 police and civilians were trained in human rights at the Police Institute of Human Dignity and 2,187 received human rights training at the School for Citizen Security. The Ministry of the Armed Forces provided human rights training or orientation to officers of various ranks as well as civilians during the year. CESFRONT conducted mandatory human rights training at their training facilities for several hundred border officials. The Colombian National Police force trained 600 Dominican police officers in human rights. Western Hemisphere Institute for Security Cooperation trained 168 police officials. The director of the Graduate School of Human Rights and International Humanitarian Rights reported that the school trained 1,583 persons through August. The school also had postgraduate programs in which military members and civilians from Congress, district attorney offices, the Supreme Court, government ministries, the National Police, and the Central Electoral Commission participated.

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

The constitution provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. The CPC establishes a more restrictive 24-hour time limit in which to make formal charges, which was generally observed. Any prisoner detained for more than 48 hours without being formally charged is entitled to file a motion of habeas corpus. The presiding judge at such a hearing is empowered to order the prisoner's release when the prisoner has been detained for more than 48 hours without being formally charged or when there is insufficient evidence that the arrestee committed a crime that warrants further detention. The judge's decision to release a prisoner is subject to appeal by the district attorney.

The law also permits police authorities to apprehend without an arrest warrant an accused person caught in the act of committing a crime or who could be reasonably linked to a crime, such as in 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 in a crime and used the investigative process to determine the individuals who were innocent and merited release and those whom they should continue to hold. Even so, successful habeas corpus hearings reduced these abuses significantly.

Although previously granted only to a few defendants, bail became more common under the CPC, which requires judicial review of detentions at an earlier point in a criminal case. The system did not prevent defendants released on bail from going into hiding. In some cases observers suspected that the granting of bail and subsequent disappearance of the suspect were due to corruption or inefficiencies within the judicial system.

The constitution gives public defenders constitutional recognition, and the law requires provision of counsel to indigent defendants. The National Office of Public Defense provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing, limited services, and lowered the quality of services provided. As a result most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. Public defenders should not have a caseload of more than 200 cases, but in September the Office of the Public Defender reported that public defenders had caseloads of 350 to 750 cases. Nationwide there were 23 public defense offices, with 118 public defenders, 32 investigators, and 23 coordinators for the different offices. Additionally, 27 attorneys were authorized to work as public defenders, but were not part of the Office of Public Defense. The Office of Public Defense did not

supervise their work. The government continued its program to train public defenders on relevant changes caused by implementation of the CPC and to expand training for prosecutors.

The law prohibits interrogation of juveniles by police or in the presence of police. Prosecutors and judges handled juvenile interrogations. The maximum penalty for minors, defined as persons less than 18 years old, who commit infractions of the law, is eight years in prison.

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

Pretrial Detention: Many suspects endured long pretrial detention. Under the CPC the judge has authority to order a detainee to remain in police custody between three and 18 months. According to the Directorate of Prisons, 58 percent of prisoners were in pretrial custody, and the average pretrial detention time was typically three months; but there were cases of pretrial detention lasting up to a year. Time served in pretrial detention counted toward completing a sentence. The Public Ministry continued implementing an automated case-tracking system that allowed prosecutors to track pretrial detention cases more effectively, and although not its primary purpose, the system reduced the number of occasions in which pretrial detention exceeded CPC time limits.

The failure of prison authorities to produce the accused for court hearings caused some trial postponements. Inmates had their court dates postponed because they were not taken from prison to court or because their lawyer, codefendants, or witnesses did not appear. The National Commission for Human Rights (CNDH) reported that approximately 60 percent of prisoners were not brought to their court dates on schedule. The government did not provide funding to transport all defendants between prison and court. Despite additional protections for defendants in the CPC, in some cases authorities held inmates beyond the mandated deadlines although there were no formal charges against them.

The judiciary created service offices in multiple cities to handle urgent matters requiring a judge, such as obtaining an arrest or search warrant and conducting arraignments. These judicial service offices were part of an effort to increase efficiency and reorganize the courts to conform to the CPC.

Detention of Rejected Asylum Seekers or Stateless Persons: During the year there were isolated cases of asylum seekers being detained due to a lack of documentation. The government pledged to defer deporting persons lacking papers until May 2015. There were no mass rounds ups and deportations during the year, but some NGOs continued to report isolated deportations (see sections 2.d. and 6).

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

The law provides for an independent judiciary; however, despite increasing judicial independence, instances of political influence in decision making were still evident. Interference by public entities, when it occurred, tended toward public pronouncements regarding active cases and selective prosecution. On occasion it appeared that judges in superior courts attempted to influence lower-court decisions. In addition, corruption continued to be a serious problem (see section 4).

#### **Trial Procedures**

The law provides for a presumption of innocence, the right of appeal, and the right to confront or question witnesses. The law establishes a citizen's right not to be deprived of liberty without trial or legal formalities or for reasons other than those provided by law, the right against self-incrimination, and the right to a defense in an impartial and public trial. Defendants have the right to remain silent. The law also provides for a public defense attorney for every person who cannot afford an attorney, but staffing levels were inadequate to meet demand. Trials are public, but no juries are used. According to the constitution and the law, defendants have the right to be present and consult with an attorney in a timely manner.

There were credible allegations that authorities violated these rights in some cases, but there was improved adherence to due process as authorities became increasingly familiar with modifications to the CPC. The District Attorney's Office must notify the defendant and attorney about criminal charges as well as evidence the office will present in court. Defendants and attorneys have access to government-held evidence and can confront adverse witnesses, but only after the preliminary hearing, when the judge has approved the indictment. Defendants have the right to present their own witnesses and evidence.

Military and police tribunals shared jurisdiction over cases involving members of the security forces. While the tribunals have jurisdiction over cases involving breaking internal rules and regulations, civilian criminal courts handled 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 claims under criminal law, commercial and civil law, and labor law. Commercial and civil courts reportedly suffered lengthy delays in adjudicating cases, although their decisions were generally enforced. As in criminal courts, undue political or economic influence in civil court decisions remained a problem.

Citizens had recourse to the remedy of amparo, an action to seek redress of any violation of a constitutional right, including violations by judicial officials. This remedy was not commonly used, except by those with sophisticated legal counsel.

Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights (IACHR), which in turn may submit the case to the Inter-American Court of Human Rights. The court can order civil remedies including fair compensation to the individual injured.

### **Regional Human Rights Court Decisions**

Since 2005 the government has not fully complied with a ruling by the Inter-American Court of Human Rights that the country had the legal obligation to recognize the citizenship of Dominican-born children of migrants under its constitution, as well as under international conventions. Law 169-14 (the Naturalization Law), enacted May 23, provides a pathway to citizenship for Dominican-born children of migrants. The law was in its implementation phase during the year (see section 2.d., Stateless Persons).

On October 22, the Inter-American Court of Human Rights ruled in the case of *Benito Tide Mendez v. the Dominican Republic* that the 2013 Constitutional

Tribunal (CT) decision and elements of Law 169-14 violated the American Convention on Human Rights. The IACHR had previously filed an application with the court in which it argued Benito Tide Mendez and 26 other individuals were arbitrarily detained and expelled to Haiti. On October 22, the court condemned the Naturalization Law for establishing a process that required a group that would previously have been considered citizens by birth to first register as “foreigners” before undergoing a naturalization process as though they were immigrants. The court ruled that the country needed to take immediate legislative measures to negate the CT ruling. The court also agreed with the IACHR’s initial assessment that the deportations demonstrated a pattern of discrimination and ordered the government pay restitution to the victims.

The government reopened the case of journalist Narciso Gonzalez Medina following the 2012 Inter-American Court ruling that the Dominican Republic was responsible for his forced disappearance in 1994 after he criticized the government. The case remained under investigation during the year.

At year’s end the government had yet to comply with the Inter-American Court’s 2012 decision regarding the army’s unnecessary use of deadly force during the Guayubin Massacre in 2000. In September the Inter-American Court was evaluating the government’s compliance with its ruling.

#### **f. Arbitrary 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 when a suspect is caught in the act of committing a crime, or if police suspect a life is in danger. The law provides that all other entries into a private residence require an arrest warrant or search warrant issued by a judge; however, police conducted illegal searches and seizures, including raids without warrants on private residences in many poor neighborhoods.

Although the government denied using unauthorized wiretapping, monitoring of private e-mail, or other surreptitious methods to interfere with the private lives of individuals and families, human rights groups and opposition politicians alleged that such interference continued.

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

#### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights.

Press Freedoms: The independent media were active and expressed a wide variety of views with some restriction. The law criminalizes defamation and insult with harsher punishment for offences committed against public or state figures than for offences against private individuals. A lawsuit in the Constitutional Court seeking annulment of several articles of the penal code and the law on Expression and Dissemination of Thought that penalize journalism remained pending. Individuals and groups were generally able to criticize the government publicly and privately without reprisal, although there were several incidents in which authorities intimidated journalists or other news professionals.

Violence and Harassment: Journalists and other persons who worked in media were occasionally harassed and physically attacked.

On October 7, Marino Zapete, a television producer and investigative journalist, reported he received threats from the head of the governmental agency Development Institute and Credit Cooperative (IDECOOP), Pedro Corporan, and that his house was under surveillance after Zapete denounced and reported serious irregularities in the handling of public funds at IDECOOP. Corporan sued Zapete for slander. On November 8, the Court of Appeals decided in favor of Zapete, ruling that the right to free speech was more important than the honor of the allegedly aggrieved.

Censorship or Content Restrictions: The constitution provides complete protection of the confidentiality of journalists' sources and includes a "conscience clause" allowing journalists to refuse assignments. Nonetheless, local journalists continued to practice self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners.

## **Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 46 percent of citizens used the internet in 2013.

## **Academic Freedom and Cultural Events**

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

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

The law provides for freedom of assembly and association, with some exceptions, and the government generally respected these rights.

#### **Freedom of Assembly**

The law provides for freedom of assembly. Outdoor public marches and meetings require permits, which the government usually granted. On several occasions police officers used force to disperse demonstrations and killed or injured demonstrators or bystanders. The CNDH reported that 100 persons were injured and five persons killed in the breakup of various demonstrations.

#### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right (see section 7.a.).

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

The government temporarily reduced its cooperation with the Office of the UN High Commissioner for Refugees (UNHCR) in providing protection and assistance to refugees and asylum-seekers. After negotiations regarding the role of UNHCR, the government and UNHCR signed an agreement of understanding in November, which clearly defined UNHCR's role in the country and its relationship with the government.

In-country Movement: Local and international human rights groups reported that potentially hundreds of thousands of persons without proper documentation, including Haitian migrants and persons of Haitian descent born in the Dominican Republic, faced obstacles in traveling both within and outside of the country.

The General Directorate of Migration (DGM) reported that no persons were expelled to Haiti during the year.

In 2011 then president Fernandez promulgated regulations that partially implemented the 2004 Migration Law, which both extended the “in transit” exception to Dominican citizenship for individuals born in the country to the children of illegal migrants and mandated the National Regularization Plan, which came into effect during the year. The regulations define the bureaucratic bodies that handle migration issues, call for the registration of all foreigners in the country, mandate the registration of children born to nonresident foreigners in a special registry (Foreigners Birth Registry), set forth the requirements for obtaining legal residency status, lay out a scheme for importing temporary labor (making employers responsible for the return of workers they bring in), and explicitly reiterate existing policy that subjects all undocumented migrants to deportation/expulsion. In January the government stated it was discontinuing all deportations until after May 2015 to give undocumented migrants a chance to participate in the National Plan for Regularization for Foreigners. NGOs reported that deportations ceased or that the government deported very few undocumented migrants who arrived in recent years.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees but has not implemented it effectively. An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of the National Commission for Refugees (CONARE), which the Foreign Ministry chairs. The subcommittee has the responsibility of making a recommendation to the commission, consisting of members from the Foreign Ministry, DNI, and DGM. The full commission has the responsibility for the final decision on the application.

The commission met every 15 days during the year to review claims. According to the UNHCR, the commission reached a decision regarding 294 cases in 2013, rejecting 290 and granting four requests for asylum. The commission reached a

decision regarding 164 cases during the year, rejecting all 164. According to the DGM, as of October, 10 persons applied for refugee status of which six cases expired, two were rejected for not fulfilling both the national and international requirements to be considered a refugee, and two cases remained under consideration.

In 2013 and during the year, CONARE adopted a series of resolutions regarding asylum. Resolution 008/13 passed in December 2013 sets forth a 15-day time limit to apply for refugee status after an individual enters the country or the case is declared inadmissible. According to the UNHCR, in June, two asylum seekers from Syria had their applications for refugee status declared inadmissible under this new rule, and they were given 30 days to leave the country voluntarily or face deportation.

Under Resolution 004-14 passed in August, CONARE can declare that a person has discontinued the asylum claim if he or she fails to renew the asylum-seeker permit within five days after it expired, fails to report a new place of residence within five days, fails to renew the temporary residence permits within five days, travels outside of the country without previous authorization, or spends more than 30 days outside the country. This resolution also declares inadmissible any application if the applicant attempted to reach a third country from the Dominican Republic before applying for refugee status.

Under the law recognized refugees are considered temporary residents and their refugee documents should be renewed every year after approval of CONARE. In practice CONARE reviewed the decision on refugee status determination every year as a precondition to renew the individual's residence permit. Furthermore, Resolution 009-13 outlines the rules and regulations for family reunification for refugees, which the UNHCR maintained create numerous requirements that make it very hard for refugees to reunite with family members.

According to the UNHCR, as of August the country has had approximately 623 UNHCR-mandate refugees, 40 refugees recognized by CONARE in 2012 and 2013, and 800 asylum seekers. Most refugees and asylum seekers were of Haitian nationality, but there were also refugees from Cuba, Iran, Iraq, Sri Lanka, and Syria.

Refoulement: Although the government provided some protection against the expulsion or return of persons to countries where their lives or freedom might be threatened on account of their race, religion, nationality, membership in a

particular social group, political opinion, or caste, there was still a risk of deportation. Protection generally applied to individuals who gained access to the refugee process and had been issued proof that they were refugees or had applications pending. The documents provided do not bestow significant legal rights, such as residency, nor do they prevent disruption of educational studies past eighth grade to children of refugees. Due to lack of training, not all officials who might apprehend such a person would recognize these documents.

Access to Basic Services: Authorities routinely denied birth certificates to children born to Haitian refugees as well as education, health, and security documentation.

### **Stateless Persons**

The 2010 constitution provides that anyone born in the country is a Dominican national, except children born to diplomats, children born to parents who are “in transit,” or children born to parents who are in the country illegally. In 2005 the Supreme Court upheld the 2004 General Law on Migration, which redefined the term “in transit” from a foreigner who entered the country to reach another destination to all temporary workers, and then later to irregular migrants. Under the law the constitutional exception that denied nationality to Dominican-born children of persons in transit no longer applied just to parents that were transiting through the country for a period of 10 days or less, but instead it considered all nonresidents as having an “in transit” status. The law broadly defines nonresidents to include tourists, students, temporary foreign workers, and any undocumented migrants. The Civil Registry, managed by the Central Electoral Board (JCE), retroactively applied the migration law and refused to issue new identity documentation or renew expired documentation for those suspected to be children of foreign parents who had not proven their residency or legal status in the country, maintaining they were improperly issued birth certificates.

Even prior to implementation of the constitution, authorities denied Dominican nationality to children of undocumented migrants. Prior to 2004 migration laws granted “in transit” privileges to foreigners who entered the country “with the principal intention of proceeding through the country to an exterior destination.” In 2007 the JCE put a registration system in place known as the “Foreign Birth Registry” that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. Such children whose parents had documentation from their home country may be registered in the book, after which the parents would be given an official report of birth that does not confer citizenship. Local and international NGOs reported that since implementation of

the Foreign Birth Registry, hospitals and civil registries did not register numerous children of Haitian migrants and their descendants. An estimated 10,000 to 20,000 children were born to Haitian migrants and their descendants each year, but few of the children registered in the Foreign Birth Registry were of Haitian descent. NGOs reported that some Haitian parents, who were in the country legally and whose children were Dominican nationals under Dominican law, were required to register their children's births in the foreigners' book.

Civil registry authorities simultaneously began to review the legal status and civil documentation of Dominicans of Haitian descent. Many of these individuals were born on Dominican territory at a time when it was generally accepted that the constitution's *jus soli* provision granted them Dominican nationality. Since 2007, however, government officials have taken strong measures against providing citizenship to persons of Haitian descent born in the country whose parents were unable to document their legal stay in the country. These measures included refusals to renew Dominican birth and identity documents, resulting in legal statelessness. The government stated that such refusals were based on evidence of fraudulent documentation, but advocacy groups alleged that the actions targeted persons whose parents were Haitian or whose names sounded Haitian and constituted acts of denationalization.

As a result of these policies, the descendants of Haitian migrants who worked and settled in the country throughout the 20th century--who were born in the country prior to 2010 and enjoyed a right to Dominican nationality--faced an increased risk of becoming stateless. This was exacerbated by the fact that until June 2012, the Haitian constitution did not allow dual citizenship. Individuals of Haitian descent who obtained Dominican nationality forfeited their right to Haitian citizenship. Additionally, acquiring Haitian nationality through the application of a *jus sanguinis* nationality framework could pose problems for persons whose parents had lost meaningful links with Haiti or did not have proof of Haitian citizenship because of their long-established presence in the Dominican Republic. These problems became more serious for second- or third-generation persons born in the Dominican Republic.

In September 2013 the CT ruled that children born in the country to foreigners "in transit" are not considered Dominican nationals. The CT ordered the JCE to audit its birth registry since 1929 to identify foreigners who might be registered improperly and transfer them to a separate foreign-birth registration list. The CT noted that foreigners in transit may modify their immigration status to obtain legal permanent residency.

The IACHR, UNHCR, and the Caribbean Community (CARICOM) expressed deep concern over the September 2013 CT judgment. CARICOM called on the country to adopt measures to protect human rights and concerns of individuals who would be affected by the ruling.

The JCE's Civil Registry scrub estimated 24,392 persons were irregularly registered on the civil registry, 13,672 of whom were of Haitian descent. A 2012 National Statistics Office and UN Fund for Population (UNFPA) study estimated the total Haitian population in the country at 668,145, of whom 458,233 were identified as Haitian immigrants and 209,912 were categorized as persons of Haitian descent. The exact number of undocumented persons remained unclear.

In November 2013 President Medina decreed an amnesty, called the Regularization Plan for Foreigners. The plan stated a "special path to naturalization" would benefit foreigners who entered the country irregularly; foreigners who entered illegally, but exceeded time in country or violated the conditions of their stay; and minors registered on the civil registry who were born in the country to nonresident mothers. Civil society groups criticized elements of the plan and argued that the government did not take into consideration comments made by civil society or UN bodies.

The IACHR conducted a site visit to the country in December 2013, and its preliminary findings considered that the September 2013 CT ruling implied an arbitrary deprivation of nationality and that the ruling had a discriminatory effect, stripped nationality retroactively, and lead to statelessness for individuals not considered Dominican citizens.

Dominican-born persons of Haitian descent who lacked citizenship or identity documents faced obstacles traveling both within and outside the country. Additionally, undocumented persons cannot obtain national identification cards (cedulas) or voting cards. Persons who did not have a cedula or birth certificate had limited access to formal-sector jobs, public education, marriage and birth registration, formal economic services such as banks and loans, access to courts and judicial procedures, and ownership of land or property.

On May 23, President Medina signed and promulgated law 169-14, "the Special Status of Individuals born in the territory with an irregular registration in the Civil Registry and on Naturalization." On July 29, the government began implementation of the law. The naturalization law proposed to regularize and

(re)issue identity documents to approximately 24,392 individuals, born to “in transit” parents in the country between June 16, 1929, and April 18, 2007, and who were previously registered in the civil registry (Group A), recognizing them as Dominican citizens from birth. The new law also created a special path to citizenship for persons born to “in transit” parents who were never registered in the civil registry, including an estimated 200,000 undocumented persons mainly of Haitian lineage (Group B). Group B had to demonstrate that they were born in the country prior to April 18, 2007, when the Foreigners’ Birth Registry began. Subsequently, their names could be recorded in that registry. Once registered, members of Group B could start the process to obtain a permanent resident permit. After two years, they can apply to naturalize. The first application period for Group B was 90 days and ended on October 26. In November an amendment was passed to extend the deadline an additional 90 days, with a new deadline of January 31, 2015.

As of October 31, the JCE had processed Dominican birth certificates for 972 Group A members, and 1,541 Group B members had started the process to be recorded in the Foreigners’ Birth Registry. As of October less than 1 percent of the individuals affected by the ruling have benefited from the law. NGOs complained that JCE offices were inconsistently processing naturalization applications. NGOs reported some offices refused to accept applicants’ voided birth certificates or requested documents not required by law for naturalization, adding hurdles to an already laborious process. For individuals of Group B (who were never registered), NGOs expressed concern that the timeline was far too short; the official information campaigns was insufficient; and that on October 6, only 21 out of 37 regularization centers had been opened, none of them in border areas with Haiti.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the ability to change their government through periodic, free, and fair elections, and citizens exercised this ability through elections based on nearly universal suffrage. Active-duty police and military personnel may not vote or participate in partisan political activity.

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

Recent Elections: In 2012 PLD candidate Danilo Medina won the presidency in an election that was generally free and orderly despite some irregularities. The

Dominican Revolutionary Party won the most electoral votes of any single party, but the PLD won the popular vote with the support of coalition parties. The Organization of American States, which had an electoral observation mission present throughout the electoral process, noted several shortcomings in the legal framework governing the electoral process, including the use of public resources, campaign financing, and equitable access to the media. The observation mission and other independent observers received complaints regarding the right of Dominicans of Haitian descent to vote. Due to restrictive civil-registry policies enforced by the JCE, thousands of Dominicans of Haitian descent could not obtain the citizenship documents required to participate in the 2012 elections.

Observers witnessed various political party supporters purchasing identity cards and votes on election day. Observers also reported the use of electoral propaganda in voting centers.

Participation of Women and Minorities: By law parties must reserve 33 percent of positions on their lists of candidates for the Chamber of Deputies and city councils for women. There were four women in the 32-member senate, 40 women in the 190-member chamber of deputies, two women in the cabinet, four women on the 17-seat Supreme Court, and three women on the 13-member CT. Each party puts forward lists and women candidates were often at the bottom of the list preventing them from gaining seats in the senate or chamber of deputies. The law requires each party's candidates for mayor and deputy mayor to be of different genders; there were 12 female mayors and 143 female deputy mayors.

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

The law provides criminal penalties for official corruption; 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, but government corruption remained a serious problem and a key public grievance.

Corruption: The Office of the Special Attorney for the Prosecution of Administrative Corruption (PEPCA) reported 36 investigations from January 2013 through August for cases against lower-level and mid-level officials and five against high-level officials. This statistic includes 15 cases at the preliminary hearing stage, six concluded cases of which five were sentenced and one dismissed. Government officials were reluctant to investigate seriously and prepare for trial cases involving current and former senior officials.

The Public Ministry, led by the attorney general, was responsible for investigating and prosecuting corruption cases through PEPCA. The Chamber of Accounts contributed to government accountability through audits and investigations, which formed the basis of many PEPCA corruption cases.

PEPCA, the Chamber of Accounts, and comptroller general operated independently and appeared free from political influence, although there were few successful prosecutions of high-profile public officials for corruption. The Chamber of Accounts lacked sufficient budget to perform its obligations under the law. The chamber did not have the resources to audit all public entities annually nor to investigate all officially filed complaints. Civil society actively engaged in anticorruption campaigns through NGOs and the media. Government agencies had limited and often adversarial relationships with civil society members, and government officials continued to characterize corruption allegations as purely politically motivated. While government agencies complained of insufficient resources, credible NGOs noted the greatest hindrance to effective investigations was a lack of political will to apply the law and prosecute particularly high-level politicians.

Civil society organizations criticized the widespread practice of awarding government positions as political patronage and alleged that many civil servants, referred to as “empty bottles,” did not have to perform any job functions for their salary. Small municipalities reported having staffs of 200, 350, or 600 workers when the municipality buildings could hold no more than a tenth of reported workers. A former diplomat publicly criticized the Foreign Ministry for having more than 1,500 officers abroad while only 25 percent of them were accredited and carried out official functions in their assigned country. The minister of foreign affairs took office in September declaring that cleaning up the ministry was one of his core goals and within weeks removed 1,000 employees from the ministry’s payrolls.

On many occasions police officials attempted to solicit bribes from individuals facing fines or arrest. Local human rights observers reported that immigration and police authorities detained undocumented construction workers and other manual laborers of Haitian descent and extorted money from them. NGOs reported incidents of corruption among military and migration officials stationed at border posts and checkpoints.

The use of nonjudicial sanctions continued. These measures included the dismissal or transfer of military personnel, police officers, judges, and other minor government officials engaged in bribe taking and other corrupt behavior. A widespread attitude of tolerance toward some forms of corruption complicated anticorruption efforts.

Financial Disclosure: Law 311-14, which came into force in August, requires that the president, vice president, members of congress, some agency heads, and other officials including tax and customs duty collectors declare their personal property within 30 days of being hired, elected, or re-elected as well as when they end their responsibilities. The constitution further requires public officials to declare the provenance of their property, although this does not extend to the assets and income of spouses and dependent children. The new law also changed responsibility from the Public Ministry to the Chamber of Accounts to receive and review these declarations. The Chamber of Accounts President Licelott Marte declared publicly that as of November only five government officials had complied with the law by providing personal finance statements. The General Directorate of Internal Revenue collected public revenue into a “single account,” a key transparency initiative to centralize the collection and disbursement of public resources. As part of this initiative, the government eliminated 2,934 of an estimated 6,000 public accounts as of November, although government agencies with other sources of revenue kept the remaining 3,000 or more separate accounts, with little or no government oversight.

The General Directorate of Ethics and Governmental Integrity continued to operate with a strong political mandate but minimal results.

In 2013 the Chamber of Accounts submitted seven audit reports to PEPCA with findings of misuse of public funds and lack of proper procedures. These reports corresponded to actions taken between 2006 and 2012 and implicated both municipal authorities as well as members of the central government. Some of the implicated persons have been brought before the courts, while other cases remained under investigation. In the 12 months after April 2013, the Chamber of Accounts sent 36 audits of public entities with finding of misuse of funds or deficient internal controls to the comptroller general for monitoring. From 2008 to 2012, the Chamber of Accounts made 371 audit recommendations regarding misuse of funds to 33 public entities. As of 2013 four public entities had implemented 56 recommendations and were in process of implementing 25 more. There were few to no consequences for noncompliance.

Public Access to Information: The constitution provides for public access to government information. The law places limits on the availability of such information only under specified circumstances, such as to protect national security. Authorities are required to disclose or respond to requests for access within 15 workdays, and the processing is either free or the fee is very reasonable. The law provides for penalties of up to two years in prison and a five-year ban from positions of public trust for government officials who obstruct access to public information. The Supreme Court may review the decision of an agency to deny access to information. Responses were often timely but incomplete, and the government regularly rejected subsequent requests. Although much information was easily available online, it was often inaccurate or inconsistent with other government reports. There was little consistency in determining what was public information and what was not, due to the lack of a single oversight agency, which also made it impossible to gather statistics on the number of requests for information received or the outcome of these requests. Under the Anticorruption Participatory Initiative, civil society organizations and government institutions conducted public outreach activities and public official training to encourage effective use of the law.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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, human rights groups who advocated for the rights of Haitians and persons of Haitian descent were an exception and faced occasional government harassment.

The United Nations or Other International Bodies: The government generally cooperated and permitted visits by representatives of the United Nations or other international organizations with monitoring of human rights problems in the country. The UNHCR and the government have successfully negotiated a new letter of understanding that allows the UNHCR to continue its work in the country. Additionally, the Constitutional Tribunal ruled in November that the country's membership in the Inter-American Court of Human Rights was unconstitutional because Congress had never ratified the membership. As of December the executive had not taken a position.

Government Human Rights Bodies: The constitution establishes the position of human rights ombudsman, and in May 2013 the senate appointed Zoila Martinez,

former Santo Domingo district attorney, for a six-year term. The ombudsman's functions as outlined in the constitution are to safeguard the fundamental human rights of persons and to protect collective interests established in the constitution and the law. In March, Martinez announced that her office had resolved 69 cases. Several human rights organizations contested in the CT the appointment of Martinez to the position of ombudsman, asserting that procedural rules for the selection were violated. The case remained under consideration as of October.

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

Although the constitution prohibits discrimination based on race, gender, disability, language, and social status, such discrimination existed. The government seldom acknowledged that discrimination occurred or made efforts to address the problem.

### **Women**

Rape and Domestic Violence: The law criminalizes violence against women, and the state can prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one to 40 years in prison and fines from 700 to 245,000 pesos (\$15.95 to \$5,582). The penalties for rape, including spousal rape, range from 10 to 15 years in prison and a fine of 100,000 to 200,000 pesos (\$2,278 to \$4,556). For cases that involve a vulnerable person or a child, or if rape occurred under other egregious circumstances, the penalty is 10 to 20 years in prison. The amended penal code punishes domestic violence with four to 10 years' imprisonment and a significant fine. When domestic violence causes the victim's incapacitation for more than 90 days, the offender faces a prison sentence of 10 to 20 years, while those causing permanent injury or damage face a maximum 30 years of imprisonment.

Rape was a serious and pervasive problem. Survivors of rape often did not report the crime, due to fear of social stigma, fear of retribution, and the perception that police and the judicial system would fail to provide redress. The state may prosecute a suspect for rape even if the victim does not file charges, and rape survivors may press charges against spouses. Police generally encouraged rape victims to seek assistance from the specialized gender-based violence unit within the National Police force, the Attorney General's Office, public defenders, or NGOs.

Despite government efforts to improve the situation, violence against women continued to be pervasive. The press regularly published articles on domestic violence and femicide cases. According to the United Nations, 30 percent of women in the country have experienced some kind of violence at the hands of their partner or ex-partner. The attorney general reported that through June, authorities nationwide received more than 34,310 gender-violence complaints. The attorney general reported 4,269 complaints of sex crimes through June. Police issued 7,910 restraining orders on behalf of victims of domestic violence through June.

Several stakeholders claimed that the number of cases of violence against women exceeded the prosecutor general's capacity to deal with the situation. According to the National Police, more than 1,331 women were killed due to gender-based violence from January 2008 to October 2014. The Women's Ministry reported 136 cases of femicide through October 15, compared with 160 reported by the National Police cases in all of 2013. According to UN Women, 80 percent of survivors of violence never filed a complaint with the prosecutor general. The Gender Violence Unit at the National Police reported that through August, 60 women died as victims of domestic violence, compared with 34 deaths during this same period in 2013. Some examples of successful prosecution existed.

The Attorney General's Office oversees the specialized Violence Prevention and Attention Unit, which has 17 satellite offices in the country's 32 provinces. At these offices survivors of violence can file criminal complaints, obtain free legal counsel, and receive psychological and medical attention. Police had instructions to forward all domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue temporary restraining orders immediately after receiving complaints and to serve as messengers for the victims to prevent contact between the victim and the abuser. Women's organizations expressed concern that the number of offices was insufficient.

In an additional step toward addressing the problem, the Attorney General's Office instructed all its officers throughout the country not to conciliate cases of violence against women and to continue judicial processes--even in cases in which victims withdraw charges. District attorneys were instructed to provide assistance and protection to victims of violence by referring them to appropriate institutions for legal, medical, and psychological counseling. Furthermore, the Attorney General's Office instructed all its officers that investigations and presentation of charges must be concluded within 35 days unless the case was considered complex.

The Office for the Attention of Women and Interfamily Violence integrated tens of newly graduated police officers trained by the NGO Profamilia as well as the Attorney General's Office. The office, headed by Colonel Teresa Martinez, was linked to the emergency call lines to facilitate quick response services. The emergency call lines are now linked to the newly implemented 911 Emergency Response System. According to the Women's Ministry, the 911 Emergency System received 386 phone calls related to domestic violence since its opening in May through October 15. The system served Santo Domingo and surrounding areas only. The Office for the Attention of Women and Interfamily Violence has a trained police officer in six of the 17 satellite violence prevention and attention unit offices. In cases involving violence, officers were authorized to enter the victim's domicile without a court order to provide victim protection. During the year the office trained approximately 5,000 police officers on assisting victims of gender violence.

The Ministry for Women, which had scarce resources, actively promoted equality and the prevention of violence against women through implementing education and awareness programs and the provision of training to other government ministries and offices. The ministry also promoted higher levels of female participation in the political life of the country.

The government and various NGOs conducted outreach and training programs on domestic violence and legal rights. The Ministry of Women operated two shelters for domestic violence survivors in undisclosed locations, where abused persons could make reports to police and receive counseling. The shelters provided women with short- and mid-term assistance of up to three months to escape violent situations. The ministry has a presence in 31 provincial offices and 21 municipal offices where it offered free legal counsel and psychiatric assistance to victims. The ministry also operated two programs to rehabilitate persons convicted of domestic abuse or gender violence.

NGOs stated that while adequate laws were in place, the law enforcement response was not effective in preventing gender violence. The system lacked an integrated approach to victim care, the judicial system lacked the resources to prosecute perpetrators successfully, and the number of women's shelters was inadequate for victim's needs. In August, Attorney General Francisco Dominguez Brito stated in a press conference that the government's campaign to reduce gender violence and femicides had poor results but pledged that government efforts would continue.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C. The practice was virtually nonexistent in the country.

Sexual Harassment: Sexual harassment in the workplace is a misdemeanor and carries a penalty of one year in prison and a fine equal to the sum of three to six months of salary; however, union leaders reported that the law was not enforced, and sexual harassment remained a problem. The Attorney General's Office reported sexual harassment was particularly prevalent in free trade zones (FTZs).

Reproductive Rights: Couples and individuals had the right to decide freely and responsibly the number, spacing, and timing of children and generally had the means to do so free from discrimination, coercion, and violence. When available, contraceptives were provided without charge; however, many low-income women used them inconsistently due to an irregular supply from public agencies. Social biases against and religious prohibitions on the use of modern methods of family planning existed. The 2013 Demographic and Health Survey (DHS) indicated 69 percent of women ages 15 to 49 used a modern method of contraception. The Ministry of Health's Department of Epidemiology reported 183 maternal mortalities in 2013--eight more than in 2012. A study by NGOs Colectiva Mujer y Salud, Oxfam, and Ciudadania Activa de Las Mujeres estimated the maternal mortality ratio at 181 per 100,000 live births in 2013. Although DHS estimated that skilled health personnel attended 99 percent of births, there were women with limited access to adequate care, especially women of Haitian descent.

A high rate of pregnancies among adolescent girls remained a concern. In 2013 the UNFPA estimated 22 percent of adolescent girls had been pregnant. The elevated pregnancy rates contributed to a high level of maternal mortality; the UNFPA found that 19 percent of maternal deaths occurred among adolescents. Other significant contributing factors to maternal and neonatal deaths were poor quality of care and lack of access to health services, as well as complications during pregnancy and delivery. Government policy does not limit access to contraception, skilled health attendance during pregnancy and childbirth, or emergency health care for complications arising from abortion although abortion is illegal. Most women had access to some postnatal care, although the lack of postnatal care was higher among young, uneducated women and those in the lowest economic quintiles. Access to diagnostic services and treatment of sexually transmitted infections was limited by technical, financial, and management problems, which equally affected both men and women.

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. Men held approximately 70 percent of leadership positions in all sectors. Only 11 percent of firms had female top managers. According to the Inter-American Development Bank, on average women received 16 percent less pay than men in jobs of equal content and requiring equal skills. In 2013 the average unemployment rate among men was 9.9 percent of the active labor force, while for women it was 16 percent. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Although it is illegal to discriminate based on such tests, NGO leaders reported that employers often did not hire pregnant women and sometimes fired female employees who became pregnant. There were no effective government programs to combat economic discrimination against women (see section 7.d.).

## **Children**

Birth Registration: Citizenship is acquired by birth in the country, except by children born to diplomats, to those who are “in transit,” or to parents who are illegally in the country (see section 2.d.). A child born abroad to a Dominican mother or father may also acquire citizenship. A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. According to the 2013 DHS, 16 percent of children from one to four years old, 10 percent of children from four to nine years old, and 5 percent of children from 10 to 14 were not registered.

Education: The constitution provides for free, compulsory, public education through age 18. This provision was not always followed, and of lack of documentation or discrimination against children of Haitian descent denied many children access to primary education. Once children reach secondary school, legal documentation is required to register for high school, which discouraged some children from attending or completing school. Many children who lacked documentation, mostly Haitians or Dominicans of Haitian descent, were restricted from attending secondary school (past the eighth grade) and faced problems in accessing other public services. According to UNESCO, 89 percent of primary school-age children were enrolled in primary schools in 2012.

Child Abuse: Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. The Attorney General’s Office has a special Children and Adolescents Unit, which maintained a hotline where persons may call to report cases of child abuse. Few such cases reached the courts, due to fear of

family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that in most abuse cases, the accused was a person close to the child, such as a family member or close family friend. The Attorney General's Office reported that through July, it received more than 1,500 complaints of cases of statutory rape and 335 cases of incest. The Attorney General's Office expressed concern about the 10-fold increase in reported cases of incest over 2013, but as of December, it was still investigating the potential causes. The law provides for removal of a mistreated child to a protective environment.

Local observers reported instances of child abuse being underreported because of the widespread belief that such problems should be dealt with inside the family. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides penalties of two and five years' incarceration and a fine of three to five times the monthly minimum wage for persons found guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking. The government's National Directorate for Assistance to Victims coordinated efforts of official entities and NGOs to assist children who were victims of violence and abuse.

Early and Forced Marriage: The legal minimum age for marriage with parental consent is 16 for men and 15 for women. According to the latest available UN data, approximately 40 percent of women ages 20 to 24 were married before age 18; more than one-third married before age 15, while only 9 percent of boys married before age 18. Girls often married much older men. Child marriage occurred more frequently among girls who were uneducated, poor, and living in rural areas. At least half of the poorest women entered into their first marriage or union by age 17 compared with age 21 among the richest women.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The law defines statutory rape as sexual relations with anyone under age 18. Penalties for statutory rape are 10 to 20 years in prison and a fine of 100,000 to 200,000 pesos (\$2,278 to \$4,556). The law also contains specific provisions that prohibit child pornography and child prostitution, prescribing penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines from 100,000 to 200,000 pesos (\$2,278 to \$4,556). The press often reported on pedophilia cases. The Vatican removed and defrocked former

archbishop Jozef Wesolowski, the Vatican's ambassador to the Dominican Republic, in August 2013 for alleged sexual abuse of minors.

The commercial sexual exploitation of children generally occurred in tourist locations and major urban areas. The government conducted several programs to combat the sexual exploitation of minors, including notices in airports and targeted programs in popular tourist locations. The Ministry of Labor continued a program to combat such exploitation in popular tourist destinations such as Boca Chica, Sosua, and Las Terrenas. These programs provided psychological support and medical assistance, returned children to classrooms, and reunited children with their families and communities whenever possible. The programs also provided legal assistance to child victims and their families to arrest and convict exploiters.

Displaced Children: There was a large population of children living on the streets composed primarily of Haitians or Dominicans of Haitian descent (see section 2.d.). A continuing problem was child trafficking of Haitian children in the Dominican Republic.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

International Child Abductions: The government is a party to the 1980 Hague Convention on International Child Abduction. For information see the Department of State's report on compliance at <http://travel.state.gov/content/childabduction/english/legal/compliance.html> and country-specific information at <http://travel.state.gov/content/childabduction/english/country/dominicanrepublic.html>.

### **Anti-Semitism**

The Jewish community comprised approximately 300 to 350 persons. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

Although the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings and access to basic services. 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.

In July the Ministry of Public Works and Communications constructed a curb and sidewalk along a major street, which received negative press coverage. The 10-inch-high, three-mile-long curb made it difficult for persons with mobility disabilities to navigate and included only five wheelchair-accessible ramps, primarily intended for vehicle use. The ministry explained the curb's significant height was designed to prevent vehicles from parking on the sidewalk, with little consideration given to the individuals the project would affect.

The Dominican Association for Rehabilitation received support from the Secretariat of Public Health and from the presidency to provide rehabilitation assistance to persons with physical and learning disabilities as well as to run schools for children with physical and mental disabilities. The association cited the lack of accessible public transportation for persons with disabilities as a major impediment.

The law states that the government should ensure that persons with disabilities have access to the labor market as well as cultural, recreational, and religious activities, but it was not consistently enforced (see section 7.d.). Persons with disabilities attended school at all levels; however, resources to meet their specific needs were often not sufficient both in terms of infrastructure and accessible materials. A 2012 UNESCO study reported that 70 percent of children with disabilities were not in school. The Santo Domingo Center for Integrated Care for Children, opened in November 2013 by First Lady Candida Montilla de Medina, assisted 200 children during the year. Several other centers remained under construction during the year.

Discrimination against persons with mental disabilities was common across all public and private sectors. Few resources were dedicated to those with mental disabilities.

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

There was significant evidence of racial prejudice and discrimination against persons of dark complexion, but the government denied that such prejudice or discrimination existed and, consequently, did little to address the problem.

There were also strong prejudices against Haitians, which disadvantaged many Haitians and Dominicans of Haitian descent, as well as other foreigners of dark complexion. Officials continued to deny basic education, health, and documentation services to persons of Haitian descent. Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Local NGOs reported incidents where darker-skinned persons were denied access or services in banks, service in restaurants and stores, entry into nightclubs, enrollment in private schools, and birth registration in hospitals. Economic opportunities were also denied to darker-skinned person based on the requirement for a “buena presencia” (good appearance) (see section 7.d.).

Haitians continued to immigrate to the country in search of economic opportunity and relief. The DGM reported no deportations occurred during the year, but Haitians who attempted to enter illegally were returned to Haiti. Some of those removed from the country reported that they were denied the opportunity to express a credible fear of persecution or torture if returned to Haiti.

Some Haitian immigrants and others lived in shantytowns or sugarcane work camps known as bateyes. As in many poor areas in other parts of the country, these were harsh environments with limited or no electricity, running water, sanitary facilities, or adequate schooling. In many bateyes medical assistance was either rudimentary or not readily available, and clean water was not always available. Many batey residents, lacking documentation, felt they had little choice but to remain in their communities, where they felt relatively safe from the risks of deportation and harassment that existed elsewhere in the country.

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

Treatment of lesbian, gay, bisexual, and transgender (LGBT) individuals ranged from ambivalent tolerance to staunch homophobia. No specific law protects individuals against discrimination based on sexual orientation or gender identity.

In May a draft law regulating marriage and family was interpreted by the media as supporting the legalization of gay marriages in the country. As a result 18 senators pulled their support for the bill, effectively killing it. The constitution defines marriage to be exclusively between a man and woman and does not extend the same rights to cohabiting same-sex couples as to cohabiting heterosexual couples. The law prohibits discrimination on the basis of sexual orientation and gender identity for youth development opportunities.

NGOs reported widespread discrimination in such areas as health care, education, justice, and employment (see section 7.d.). LGBT individuals often faced intimidation, harassment, and bullying. Religious groups held rallies against the LGBT community. On July 22, the National Evangelical Community held a rally to support “family values” and protest the promotion of LGBT values. When asked whether legal measures should be taken to protect LGBT persons from discrimination, 54 percent opposed such measures with 46 percent in support. An August Gallup poll found that 73 percent of those polled said that there was societal discrimination against the LGBT community. In June the chief of police, Castro Castillo, publicly stated that he would not accept homosexual individuals into the police force, which he said was in accordance with the law.

According to LGBT NGOs, transgender individuals and lesbians were particularly at risk of being victims of discrimination. The Human Rights Observatory for Vulnerable Groups received 39 reports of police abuse for arbitrary arrest, police violence, and extortion between December 2013 and October of which 17 were transgender women sex workers. NGOs reported that LGBT persons were reluctant to file official charges or complaints due to fear of reprisals or humiliation. In situations in which LGBT persons filed complaints, many chose to drop the charges. The transgender community reported widespread discrimination and violence. According to NGOs the judicial system did not prosecute 25 crimes committed against transgender sex workers.

In August the organization Trans Always Friends filed a grievance with the National Police’s Internal Affairs Unit asserting police abused one of their transgender public-health promoters, Veronica. While Veronica was attending a carnival in Santo Domingo with other transgender friends, a young man allegedly attempted to rob her with a knife. When police arrived, they arrested Veronica. The victim reported that police threw her to the ground, stamped on her head, cut off her hair with scissors, insulted her for being transgender, and locked her in a cell filled with other inmates, yelling at them to do as they wanted. As of November the case remained under investigation.

According to various reports, LGBT individuals were arrested without reason, not hired, denied access to rent or own homes, and denied access to health services. LGBT NGOs reported discrimination and attacks were more prevalent outside of Santo Domingo. NGOs reported several cases of LGBT students expelled from school for no legitimate reason. Members of the LGBT community reported that individuals continued to be denied health services in both private and public hospitals. According to a June survey taken by INTEC University in public hospitals in Puerto Plata, Dajabon y Montecristi, 25 percent of health workers said they would prefer not to provide services to transgender persons. NGOs reported that in September a transgender person, Alexis, was stabbed in the buttocks at the festival El Dean in Monte Plata. Alex sought medical care at the hospital of Monte Plata. After at first allegedly refusing to assist the victim, health care workers at the hospital sewed Alexis's wound up and sent him home. Alexis died the next morning. Police opened an investigation that continued into December.

Although official permits were granted for LGBT individuals to carry out activities in public spaces, these permits often included special conditions that prevented LGBT organizations from holding their events. Members of the LGBT community often gathered informally in public spaces, especially in Duarte Park of the colonial zone in Santo Domingo. Formal activities of LGBT organizations, however, were generally subjected to approval by the Community Board of Neighbors, an institution influenced by the Catholic Church and its conservative views on LGBT issues.

In June, for the fourth year in a row, the LGBT community successfully held a gay pride parade and solidarity concert, during which civil society and LGBT organizations demanded respect for their human rights and requested that authorities discontinue discriminatory practices. Participants encountered some resistance from police during the parade.

From November 27 to December 7, the LGBT community celebrated Santo Domingo Outfest, the country's fourth annual LGBT international film festival. The festival, which sought to promote human rights and social coexistence, was organized by a volunteer network with the support of various other local and international organizations.

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

According to UNAIDS approximately 46,000 persons with HIV/AIDS were in the country. In the 2013 demographic and health survey, 50 percent of women and 57 percent of men reported discriminatory attitudes toward those living with HIV. Persons with HIV/AIDS faced discrimination, especially in the workplace.

Persons with HIV/AIDS routinely faced discrimination in access to health care and employment (see section 7.d.). NGOs reported that health workers discriminated against HIV/AIDS patients. According to a June survey taken by INTEC University in public hospitals in Puerto Plata, Dajabon y Montecristi, 29 percent of health workers said they would prefer not to provide services to transgender persons. This discrimination prevented persons from testing for HIV/AIDS or receiving preventative services and treatment. Although the law prohibits the use of HIV testing to screen employees, Human Rights Watch, AI, 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 or patients found to have the disease were not hired, fired from their jobs, or denied adequate health care.

In July the Supreme Court upheld the ruling against Electricity Company (EDESTE) for firing an employee for testing HIV positive. The court ruled that EDESTE must reinstate the employee and pay him two million pesos (\$45,570) in damages plus his legal fees.

The President's Council on AIDS, which includes public and private sector members and persons who are HIV/AIDS positive, coordinates policy at the national level and cooperates with local NGOs to reduce the impact of HIV/AIDS for vulnerable populations and society. The Ministry of Health also funded NGOs and private organizations such as the Center for Orientation and Integration, which worked to combat discrimination and assist with integration into society.

### **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. Observers attributed these incidents to an increase in crime and the perceived inability of security forces to stem or combat incidents of crime.

## **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 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, trade union rights are restricted by the requirement that a union must represent 50 percent plus one of the workers in an enterprise to bargain collectively, a requirement considered excessive by the ILO. In addition, the law stipulates that strikes cannot be called until mandatory mediation requirements have been met.

Although the law requires that the Ministry of Labor register unions for them to be legal, it provides for automatic recognition of a union if the ministry has not acted on the application within 30 days. The law allows unions to conduct their activities without government interference. Public sector workers are allowed to form associations registered through the Office of Public Administration. The law requires that 40 percent of civil servant employees agree to join the union in a given government entity for it to be formed. According to the Ministry of Labor, the law applies to all workers in the territory including foreign workers, those working as domestic workers, workers without legal documentation, and workers in the FTZs.

Formal requirements for a strike to be considered legal include the support of an absolute majority of all company workers, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike. Government workers and essential public service personnel are not permitted to strike. The law prohibits antiunion discrimination and forbids employers from dismissing an employee for participating in union activities, including being part of a committee seeking to form a union.

The government inconsistently enforced laws related to freedom of association and collective bargaining. Penalties under law for unfair labor practices that are contrary to freedom of association range from seven to 12 times the minimum wage, which can increase by 50 percent if the employer repeats the act. Noncompliance with a collective bargaining agreement is punishable with a fine equaling three to six times the minimum wage. Such fines were insufficient to deter employers from violating worker rights and were rarely enforced. Labor inspectors did not consistently investigate allegations of violations of freedom of association and collective bargaining rights. In the sugar sector, for example, labor inspectors reportedly did not ask workers or supervisors about any issues related to freedom of association, the right to organize, union membership or activity, or

collective bargaining, although workers have separately reported some instances of employers threatening them with firing or loss of housing if they were to meet with coworkers.

The process for dealing with disputes through labor courts was often long, with cases remaining pending for several years. NGOs and labor federations reported that companies took advantage of the slow and ineffective legal system to appeal cases, which left workers without labor rights protection in the interim. Freedom of association and the right to collective bargaining were not consistently respected. During the year there were reports of intimidation, threats, and blackmail by employers to prevent union activity. For example, labor unions reported that a local company fired Jose Vasquez Beltran for leading union activities. During the night the human resources manager and two armed security guards allegedly entered Vasquez's home and assaulted him in front of his family. At year's end the Attorney General's Office in Monte Plata was investigating the case; however, the labor union claimed no progress has been made on the case due to complicity between the company and the court. Some unions required members to provide legal documentation to participate in the union, despite the fact that all workers within the territory are covered by the labor code regardless of their legal status.

Labor NGOs reported that the majority of companies resisted collective negotiating practices and union activities. Companies reportedly fired workers for union activity and blacklisted trade unionists, among other antiunion practices. For instance, union leaders alleged that a company paid a judge 700,000 pesos (\$16,000) to rule that the company could revoke immunity for union leadership and fire them. The Association of Dominican Air-Traffic Controllers reported that the General Director of the National Institute for Civil Aviation (IDAC) pressured members of the association to resign and fired 31 members. A labor court ruled in June that the aviation authority rehire 11 of these workers, but the general director of aviation refused to comply and filed a suit in the Constitutional Tribunal (CT) against the same employees for "indiscipline." In December the CT ruled in the IDAC's favor and overturned the lower court's order to rehire the 11 workers. Workers were commonly asked 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 were not common.

Enterprises continued to use 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 not afford to go through lengthy judicial processes that nascent unions could not afford.

The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported that the management of several companies or their subcontractors conducted antiunion campaigns within their enterprises, which included threats to fire union members, and engaged in activities to forestall attainment of union membership sufficient to establish collective bargaining rights under the labor code. The Ministry of Labor intervened in some cases to provide mediation.

FEDOTRAZONAS reported that unions were active in only 35 businesses out of approximately 550 companies in the FTZs, and only six unions had established collective bargaining rights. Unions in the FTZs reported that their members hesitated to discuss union activity at work for fear of losing their jobs. Unions accused some FTZ companies of discharging workers who attempted to organize unions.

NGOs continued to report that many Haitian laborers and Dominicans of Haitian descent in the agricultural and construction industries did not exercise their rights due to fear of being fired or deported. The Public Report of Review of a submission (2011–03) under the Dominican Republic-Central America-U.S. Free Trade Agreement (CAFTA-DR) identified similar concerns among sugar-sector workers. Multiple labor unions represented Haitians working in the formal sector; however, these unions were not influential.

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

The law prohibits all forms of forced or compulsory labor. The law prescribes penalties for forced labor of up to 20 years' imprisonment with fines; such penalties were sufficiently stringent. The government did not effectively enforce such laws, though it did make some efforts to do so during the year including initiating 13 forced-labor prosecutions between March 2013 and March 2014.

There were reports of forced labor of adults in the service, construction, and agricultural sectors as well as reports of forced labor of children in the domestic service, street vendor/beggar, agriculture, and construction sectors. For example, two recent studies identified indicators of forced labor in the sugar sector, including forced overtime, induced indebtedness, deception, false promises about terms of work, and withholding and nonpayment of wages.

Haitian workers' lack of documentation and legal status in the country often placed them in a tenuous situation and made them vulnerable to forced labor. Although specific data on the issue were limited, Haitian nationals were reportedly subjected to forced labor in the service, construction, and agricultural sectors.

Also see the Department of State's *Trafficking in Persons* Report at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits employment of children younger than 14 years of age and places restrictions on the employment of children under age 16, limiting their working hours to six hours per day. For those under age 18, the law limits night work and prohibits employment in dangerous work, such as work involving hazardous substances, heavy or dangerous machinery, and heavy loads. Minors are also prohibited from work selling alcohol, certain work in the hotel industry, the handling of cadavers, and various tasks involved in the production of sugarcane such as planting, cutting, carrying, lifting sugarcane, or handling the bagasse. Firms employing underage children are subject to fines and legal sanctions.

The Ministry of Labor in coordination with the National Council for Children and Adolescents (CONANI) is responsible for enforcing child labor laws. The law provides for penalties for child labor violations, including fines and jail sentences. While the ministry and CONANI generally effectively enforced regulations in the formal sector, child labor in the informal sector was a problem largely beyond regulatory reach.

The National Steering Committee against Child Labor's plan to eliminate the worst forms of child labor set objectives identified priorities and assigned responsibilities to combat exploitive child labor. Several government programs focused on preventing child labor in coffee, tomato, and rice production; street vending; domestic labor; and commercial sexual exploitation.

In 2012 the government signed an agreement with the ILO to implement a project to remove 100,000 children and adolescents from exploitive labor over the course of four years. The agreement was part of the "Road Map of the ILO" goals that aimed to eliminate the worst forms of child labor in the country by 2015 and all other types of child labor by 2020 through a series of policy recommendations

including interagency collaboration, strengthening the education and health sectors, and the establishment of a robust regulatory framework.

Nevertheless, child labor remained a problem. Child labor occurred primarily in the informal economy, small businesses, private households, and the agriculture sector. In particular there were reports that children worked in the production of garlic, potatoes, coffee, sugarcane, tomatoes, and rice. Children often accompanied their parents to work in agricultural fields. NGOs also reported that many children worked in the service sector in a number of jobs including domestic servants in households, street vendors, shoe shiners, and car windows washers. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations and urban areas (see section 6, Children).

Many children who worked as domestic servants were victims of forced labor. There were credible reports that poor Haitian families arranged for Dominican families to “adopt” and employ their children. In some cases adoptive parents reportedly did not treat the children as full family members, expecting them to work in the households or family businesses rather than to attend school, which resulted in a kind of indentured servitude for children and adolescents.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

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

The law prohibits all forms of discrimination, exclusion or preference based on gender, age, race, color, nationality, social origin, political or union affiliation, religious belief, and against persons with HIV/AIDS. The government did not effectively enforce these provisions. There is no law against discrimination based on sexual preference.

Discrimination in employment and occupation occurred with respect to LGBT persons, especially transgender persons, against HIV/AIDS positive persons, against persons with disabilities, persons of darker skin color, and women (also see section 6). For instance, the ILO noted its concern regarding ongoing sexual harassment in the workplace, and urged the government to take specific steps to address existing social and cultural stereotypes contributing to discrimination in the country. Discrimination against Haitian migrant workers occurred across sectors. Many Haitian migrants lacked legal work or residency status, were

undocumented, and as a result did not have full access to benefits including social security and health care (also see sections 7.b. and 7.e.).

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

There were 14 different minimum wages, depending on the industry. The minimum wage for workers in FTZs was 7,220 pesos (\$170) per month. The minimum wage for workers outside the zones ranged from 6,880 pesos (\$162) to 11,292 pesos (\$265) per month. The minimum wage for the public sector was 5,117 pesos (\$120) per month. The daily minimum wage for agricultural workers was 234 pesos (\$5.50) based on a 10-hour day, with the exception of sugarcane field workers who received 146 pesos (\$3.39) based on an eight-hour workday. Minimum wage provisions cover all workers, including migrants. The Worker Rights Consortium estimated the living wage was more than 18,000 pesos (\$456) per month, while a group of labor confederations calculated a “reasonable” total for a family of four at 27,000 pesos (\$635) monthly. The Ministry of Economy, Planning, and Development used 2007 statistics in 2012 to calculate the official poverty line at 3,247 pesos (\$75) per month and 43 percent of population was living in poverty.

The law establishes a standard work period of 44 hours per week, and while agricultural workers are exempt from this limit, in no case may the workday exceed 10 hours. The law stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. The law includes paid annual holidays and requires premium pay for overtime, although enforcement was ineffective. The law prohibits excessive or compulsory overtime, and states employees can work a maximum of 80 hours of overtime over three months. The labor code covers domestic workers but does not provide for them payment of notice, severance, or bonuses. 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 the payment of bonuses.

The Ministry of Labor sets workplace safety and health regulations. By regulation employers are obligated to protect employees from risks at work, and should ensure the safety and health of employees in all aspects related to the job. By law employees can remove themselves from situations that endangered health or safety without jeopardy to their employment, but in practice employees could not remove themselves without reprisal. There were no cases where authorities protected the jobs of employees who had removed themselves.

Both the Social Security Institute and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The ministry employed 186 labor inspectors and reported 4,314 labor violations from January through October. The ministry received 9,178 formal labor complaints. The inspectors conducted 47,096 regular inspections and 9,178 special inspections. Penalties for nonpayment of wages and safety and health violations ranged between three and six times the minimum wage, but were insufficient to deter violations and rarely enforced, and the ministry did not always enforce the minimum wage. Workers complained that inspectors were not well trained, did not respond to their complaints, and responded to requests from employers more quickly than requests from workers. In the sugar sector, for instance, there have been reports of procedural and methodological shortcomings in inspections, including: interviewing few or no workers; failing to discuss topics related to labor law compliance with workers; conducting worker interviews with employer representatives present; lacking inspectors with language skills, particularly Creole, necessary to communicate effectively with workers; failing to follow up on allegations of labor law violations made by workers during the inspection process; and failing to conduct follow-up inspections to verify remediation of violations identified. FEDOTRAZONAS reported that the government does not monitor sufficiently workplace safety and health regulations and did not sanction identified violations.

Mandatory overtime continued to be a common practice in factories and was sometimes enforced through loss of pay or employment for those who refused. FEDOTRAZONAS reported that some companies set up “four-by-four” work schedules, in which employees work 12-hour shifts for four days. In some cases employees working the four-by-four schedules were not paid overtime for hours worked in excess of maximum work hours allowed under labor laws. Some companies continued the practice of paying every eight days, a biweekly salary with the four-by-four schedules, instead of every seven days, a weekly salary with a standard 44-hour schedule. These practices resulted in a loss of wages for workers, as they were not compensated for the extra hours worked.

According to an ILO report published in June, informal employment as a portion of nonagricultural employment grew from 50 percent in 2011 to 51.5 percent in 2012. Workers in the informal economy faced more precarious working conditions than formal workers and were often outside the reach of government enforcement efforts.

Conditions for agricultural workers were poor. Many workers worked long hours, often 12 hours per day and seven days per week, and were exposed to hazardous working conditions including exposure to pesticides, exposure to the sun for long periods of time, and the use of sharp and heavy tools. Some such workers reported that they often were not paid the legally mandated minimum wage. On some sugar plantations, cane cutters were paid by the weight of cane cut. Cane cutters continued to suspect fraud by weigh station operators, although company officials denied it. The amount of cane a worker could cut varied, but most young able-bodied workers were able to cut two to three tons of cane in a workday, yielding a daily wage of approximately 160 to 300 pesos (\$3.76 to \$7.05). Less able-bodied workers, who were often older, were paid only for the amount of cane they cut, even if the amount was less than the minimum wage. During the six-month off-season, many workers in sugar plantations remained in their communities and worked part-time jobs clearing land or cleaning sugarcane, but were not paid the minimum wage. Additionally, many sugarcane workers reported that their employers did not provide them with basic safety equipment, including gloves and boots.

Companies did not regularly implement workplace safety and health regulations. For example, in a recent study, the National Confederation of Trade Unions Unity reported unsafe and inadequate health and safety conditions, including lack of appropriate work attire and safety gear; vehicles without airbags, first aid kits, properly functioning windows, or air conditioning; inadequate ventilation in work spaces; an insufficient number of bathrooms; and unsafe eating areas.

During the year accidents caused injury and death to workers, but information on the number of accidents was unavailable by the end of the year.