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Dominican Republic

Country:

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Year:

2018

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

67

Freedom Rating:

3.0

Overview:

The Dominican Republic holds regular elections that are relatively free, though the most recent polls exposed deficiencies in the electoral framework that disadvantage less established parties. Pervasive corruption undermines state institutions, and discrimination against Dominicans of Haitian descent and Haitian migrants, as well as against LGBT (lesbian, gay, bisexual, and transgender) people, remains a serious problem.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 26 / 40 (-1)

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is both head of state and chief of government, and is elected to a four-year term. A 2015 constitutional amendment allowed the possibility of presidential reelection, and Medina, of the Dominican Liberation Party (PLD), won a second term in 2016.

Observers from the Organization of American States (OAS) monitored the presidential and concurrent legislative elections, and deemed them credible. However, they called for major reforms to guarantee equal access to party financing, and noted “a high degree of unfairness in access to the media by the political parties in contention.” The mission also expressed concern about serious complications involving new electronic voting and vote-counting infrastructure; delays in tabulation resulted in the full final results not being made public until 13 days after the elections. Six people were killed in election-related violence the Central Election Board (JCE) head claimed had erupted out of frustration with delays created by demands for manual vote-counting.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

In the 2016 legislative elections, held concurrently with presidential elections, the ruling PLD captured 26 of the Senate’s 32 seats and 106 out of 190 seats of the Chamber of Deputies. The OAS observer mission, in its report on the presidential and legislative elections, deemed the polls credible, but called for major reforms to guarantee equal access to party financing and media coverage, questioned the efficacy of the new electronic voting and vote-counting infrastructure, and condemned the election-related violence.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The 2016 general elections exposed serious problems with electoral infrastructure and the capacities of the JCE, with some saying the delays in vote-counting precipitated post-election violence. The polls also exposed irregularities in party financing. Electoral reform has since been heavily debated in the legislature. In 2017, an amendment to the General Electoral Law and a separate bill on political parties were considered, though neither was passed.

Despite the JCE’s shortcomings, the body operates with some transparency and cooperates with international election monitors, opposition parties, and other relevant groups.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political parties are generally free to form and operate. However, under current electoral laws, smaller parties struggle to access to public financing and secure equal media coverage, hampering their competitiveness.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

The ability of smaller and emerging political parties to access public financing and the media on equal terms with larger parties is restricted under the current electoral framework, making it difficult for them to increase their support or power through elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

People are generally free to exercise their political choices. However, a history of violent police responses to social and political demonstrations may deter political participation by some, and economic oligarchies and organized crime groups have some influence over the political sphere. Private donations to political parties are unlimited and unregulated, allowing wealthy donors significant influence over politics.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

A 2013 Constitutional Court decision stripped Dominican-born descendants of Haitian migrants of their citizenship, and thus their right to vote.

Parity laws have led to a higher number of women in the legislature, but women lawmakers report that it is difficult for them to exert influence over their parties' positions and to secure funding for political candidacies. A number of marches against gender-based violence have taken place recently, and while the problem generally affects women, a November 2017 march also drew hundreds of men.

C. FUNCTIONING OF GOVERNMENT: 7 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

Government and legislative representatives are generally able to determine national policies in a free and unhindered manner. However, unequal party financing and access to media helped tilt the field in favor of larger parties in the 2016 elections.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a serious, systemic problem for the country at all levels of the government, judiciary, and security forces, as well as in the private sector. A U.S. Justice Department investigation into the Brazilian construction company Odebrecht, the results of which surfaced in December 2016—revealed that \$92 million had been paid to public officials to obtain contracts for major infrastructure projects in the country during three consecutive governments. Several officials from previous administrations have been charged or linked to the investigations, and three in the current administration have been indicted—though sitting lawmakers enjoy immunity unless lawmakers vote to revoke it. The government has not responded to requests to establish an independent inquiry into these corruption allegations.

Separately, the body of Yuniol Ramírez, a well-known lawyer, was found submerged in a Santo Domingo creek in Santo Domingo in October, weighted with cinder blocks and with a gunshot wound to the head. A police investigation indicated that he was investigating acts of corruption in the procurement system of the Metropolitan Office of Bus Services (OMSA) before his killing. Two dozen arrest warrants were issued in response to the murder.

C3. Does the government operate with openness and transparency? 2 / 4 (-1)

Efforts to increase government transparency are ongoing, but implementation remains elusive. Although state agencies generally respond to information requests, they often provide inaccurate or incomplete information. Public officials are required to publicly disclose assets, but nongovernmental organizations (NGOs) have cast doubt upon the accuracy of these disclosures. Public contracting and purchasing processes are opaque and allow for high levels of corruption, as reflected in the Odebrecht scandal.

Score Change: The score declined from 3 to 2 because authorities' continued failure to improve government transparency, particularly with regard to public contracting and purchasing processes, has permitted high levels of corruption.

CIVIL LIBERTIES: 41 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 2 / 4

The law guarantees freedom of speech and of the press, but journalists risk intimidation and violence when investigating sensitive issues, particularly drug trafficking and corruption. In February 2017, two radio journalists were shot to death during a live broadcast. The assailant, who reportedly believed that land he had purchased has been appropriated and given to one of the hosts, killed himself during the police response to the attack.

Several national daily newspapers and a large number of local publications operate in the country. There are more than 300 privately owned radio stations and several private television networks alongside the state-owned Radio Televisión Dominicana (RTVD). Ownership concentration is high.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally upheld, though the Catholic Church receives special privileges from the state.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Constitutional guarantees regarding academic freedom are generally observed.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express personal views in public and privately without fear of retribution.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12**E1. Is there freedom of assembly? 3 / 4**

While past years have seen numerous instances of demonstrations being violently dispersed by police, demonstrations in 2017 were mostly peaceful. A number of large protests against government corruption were held during the year. Smaller demonstrations against the denationalization policies affecting Dominicans of Haitian descent, and regarding the absolute prohibition of abortion, also took place in 2017.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Freedom of association is constitutionally guaranteed, and the government respects the right to form civic groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Workers other than military and police personnel may form and join unions, though over 50 percent of workers at a workplace must be union members in order to engage in collective bargaining. Workers must exhaust mediation measures and meet other criteria in order for a strike to be considered legal.

F. RULE OF LAW: 8 / 16**F1. Is there an independent judiciary? 3 / 4**

The judiciary is plagued by corruption and is susceptible to political pressure. Reports of selective prosecution and the improper dismissal of cases continue.

F2. Does due process prevail in civil and criminal matters? 2 / 4

Corruption and politicization of the judiciary has significant impact on due process, and strongly limits access to justice for people without resources or political connections. Corruption within law enforcement agencies remains a serious challenge.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Murder and other violent crimes rates are high. Prisons are overcrowded. More than half of all people in the country's prisons are pretrial detainees, some of whom spend as long as three years in detention.

The National Human Rights Commission and NGOs report that security forces committed more than 100 extrajudicial killings in 2017, and that law enforcement agents continue to engage in torture in order to extract confessions from detainees.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Dominicans of Haitian descent as well as Haitian migrants face persistent systematic discrimination, including obstacles in securing legal documents such as identification, birth certificates, and marriage licenses, and have difficulty registering their children as Dominican citizens. This lack of documentation makes it difficult for those affected to attend school and university, and obtain legal employment.

LGBT individuals suffer from violence and discrimination. They are still barred from working in certain public sectors, such as the police and armed forces. An antidiscrimination bill remains stalled in Congress, despite renewed calls from civil society to pass it after the body of a transgender woman was found dismembered in the town of Higüey in June 2017.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

While citizens are generally free to move around the country, there have been reports of instances in which foreigners were deported before they had a chance to collect their documentation to present to police. Asylum seekers and refugees must pay a fee to gain travel documents.

Separately, the prevalence of drive-by robberies can prompt some reluctance to move about freely, particularly at night.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Private business activity remains susceptible to undue influence by organized crime and corrupt officials.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Violence and discrimination against women remains pervasive. Poor medical care has left the country with one of the highest maternal mortality rates in the region. After a 2014 law decriminalizing abortion in some situations was struck down in 2015 by the Constitutional Court, a complete ban on abortion was effectively reinstated.

In May 2017, the Senate rejected proposed amendments recommended by Medina that would have decriminalized abortion when the life of the mother is endangered or in cases

of incest, rape, or fetal impairment. The House in July voted against the Senate's rejection, thus setting the stage for another legislative vote on the issue.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The Dominican Republic remains a source, transit, and destination country for the trafficking of men, women and children for sexual exploitation and forced labor. Haitians who lack documentation and clear legal status are particularly susceptible to forced labor. Many workers in the country are employed informally, leaving them without legal protections.

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