

DOMINICAN REPUBLIC 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Dominican Republic is a representative constitutional democracy. In 2016 Danilo Medina of the Dominican Liberation Party (PLD) was re-elected president for a second four-year term. Impartial outside observers assessed the elections were generally free and orderly despite failures in the introduction of an electronic voting system.

Civilian authorities at times did not maintain effective control over the security forces.

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

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

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In November Ruben Dario Hipolite Martinez, who was wanted for allegedly shooting a Navy spokesman, was shot and killed minutes after pleading for his life on a live internet video stream, according to media accounts. A National Police spokesman stated the officers involved were suspended and under investigation. The National Human Rights Commission (NHRC), a nongovernmental organization (NGO), reported 115 extrajudicial killings by police forces as of December 10.

As of November Fernando de los Santos was in detention and awaiting trial. The former police lieutenant had been wanted since 2011 for the killing of two men and

had been named in media accounts as the suspect in the killing of at least 30 persons. Some of those killed were believed to be criminals wanted by police, while others were killings for hire committed on behalf of drug traffickers, according to media accounts.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. The NHRC reported it continued to investigate six unresolved disappearance cases of human rights activists that occurred between 2009 and 2014, some of which they believed were politically motivated.

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 reports security force members, primarily police, carried out such practices.

The NHRC reported police used various forms of physical and mental abuse to obtain confessions from detained suspects. According to the NHRC, methods used to extract confessions included covering detainees' heads with plastic bags, hitting them with broom handles, forcing them to remain standing overnight, and hitting them in the ears with gloved fists or hard furniture foam so as not to leave marks. In June the newspaper *El Caribe* reported allegations that inmates in Rafey Jail were frequently tortured, which penitentiary authorities denied.

Prison and Detention Center Conditions

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

Physical Conditions: Gross overcrowding was a problem in traditional prisons. The Directorate of Prisons reported that as of August there were 17,094 prisoners in traditional prisons and 9,192 in CRCs, a ratio that remained constant for the past several years because traditional prisons had not been phased out. La Victoria, the

oldest traditional prison, held nearly 8,000 inmates, although it was designed for a maximum capacity of 2,011. The inmate population at all 19 traditional prisons exceeded capacity, while only one of 22 CRCs was over capacity. Both male and female inmates were held in La Romana Prison but in separate areas.

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

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

In traditional prisons, health and sanitary conditions were generally inadequate. Prisoners often slept on the floor because there were no beds available. Prison officials did not separate sick inmates. Delays in receiving medical attention were common in both the traditional prisons and CRCs. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population. In most cases inmates had to purchase their own medications or rely on family members or other outside associates to deliver their medications. Most reported deaths were due to illnesses. According to the Directorate of Prisons, all prisons provided HIV/AIDS treatment, but the NHRC stated that none of the traditional prisons were properly equipped to provide such treatment.

In CRCs, some prisoners with mental disabilities received treatment, including therapy, for their conditions. In traditional prisons, the government did not provide services to prisoners with mental disabilities. Neither CRCs nor traditional prisons provided access for inmates with disabilities, including ramps for wheelchairs.

The International Organization for Migration (IOM) reported that migration detention centers were not adequately equipped to accommodate large numbers of detainees and at times were overcrowded. IOM representatives noted the centers needed improved sanitary facilities, better access to drinking water, and more

structures to protect waiting detainees from the sun. The General Directorate of Migration generally provided food to detainees being held at the border with Haiti but at times asked the IOM for support.

In October 2017 the Constitutional Tribunal declared the condition of some jails were a “gross and flagrant” violation of the constitution and ordered the Attorney General’s Office to take steps to improve them within 180 days or face a fine of approximately 21,450 pesos (\$430) per day. In April the attorney general announced the creation of “mobile courts” at some prisons, including the largest, La Victoria, to speed up the processing of cases and reduce overcrowding.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted visits and monitoring by independently funded and operated nongovernmental observers and media. The NHRC, National Office of Public Defense, Attorney General’s Office, and CRC prison administration together created human rights committees in each CRC that were authorized to conduct surprise visits.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of Interior and Police oversees the National Police, Tourist Police, and Metro Police. The Ministry of Armed Forces directs the military, Airport Security Authority and Civil Aviation, Port Security Authority, and Border Security Corps. The National Department of Intelligence and the National Drug

Control Directorate, which have personnel from both police and armed forces, report directly to the president.

Civilian authorities at times did not maintain effective control over security forces, including police and military forces. The government has effective mechanisms to investigate and punish abuses; however, the NHRC alleged security forces sometimes act with impunity.

The Internal Affairs Unit investigates 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. Police officers found to have acted outside of established police procedures were fired or prosecuted.

Training for military and the National Drug Control Directorate enlisted personnel and officers and the National Police included instruction on human rights. The Ministry of the Armed Forces provided human rights training or orientation to officers of various ranks as well as to civilians during the year. The Border Security Corps conducted mandatory human rights training at its training facilities for border officers. The Graduate School of Human Rights and International Humanitarian Rights trained civilians and armed forces personnel. The school also had programs in which members of the armed forces and civilians from the Supreme Court, congress, district attorney offices, government ministries, National Police, and Central Electoral Board participated.

In October 2017 the National Police announced that officers and recruits applying to join the police force who were suspected of corruption would be required to take polygraph tests. In June the chief of the National Police said 1,416 officers had been removed from the force during his first 10 months in office after internal affairs investigations found they had committed misconduct. In September the National Police warned commanding officers that if they did not declare their financial assets as required by law, they could lose their commands.

Arrest Procedures and Treatment of Detainees

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

The law requires provision of counsel to indigent defendants, although staffing levels were inadequate to meet demand. The National Office of Public Defense represented 71 percent of the criminal cases brought before the courts as of August, covering 28 of 34 judicial districts. Many detainees and prisoners who could not afford private counsel did not have prompt access to a lawyer. Prosecutors and judges handled interrogations of juveniles, which the law prohibits by or in the presence of police.

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

Pretrial Detention: Many suspects endured long pretrial detention. Under the criminal procedures code, a judge may order detention to be between three and 18 months. According to the Directorate of Prisons, as of October, 60 percent of inmates were in pretrial custody. The average pretrial detention time was three months, but there were reports of cases of pretrial detention lasting up to three years, including three foreign citizens held in pretrial detention since 2015 (two of whom were granted bail in September). Time served in pretrial detention counted toward completing a sentence.

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

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the government did not respect judicial independence and impartiality. Improper influence on judicial decisions was widespread. Interference ranged from selective prosecution to dismissal of cases amid allegations of bribery or undue political pressure. The

judiciary routinely dismissed high-level corruption cases. Corruption of the judiciary was also a serious problem. The National Office of Public Defense reported the most frequent form of interference with judicial orders occurred when authorities refused to abide by writs of habeas corpus to free detainees.

The Office of the Inspector of Tribunals, which disciplines judges and handles complaints of negligence, misconduct, and corruption, increased its technical training beginning in 2016, and as a result it opened more investigations. As of September the office had completed more than 700 inspections and investigations, more than triple the number completed in 2015. In April the Judicial Council approved revised, more stringent disciplinary regulations for judges. In June judicial authorities stated that in the past two years seven judges had been suspended, 10 demoted, and 15 expelled. Authorities also reprimanded or suspended 92 administrators, expelled 117, and were pursuing another 254 cases.

Trial Procedures

The law provides for the right to a defense in a fair and public trial; however, the judiciary did not always enforce this right.

The District Attorney's Office is required to notify the defendant and attorney of criminal charges. The law provides for a presumption of innocence, the right to confront or question witnesses, and the right against self-incrimination. Defendants have the right to be present at their trial and consult with an attorney in a timely manner, and the indigent have a right to a public defender. Defendants have the right to present their own witnesses and evidence. The law provides for free interpretation as necessary. The constitution also provides for the right to appeal and prohibits higher courts from increasing the sentences of lower courts. The courts frequently exceeded the period of time provided by the criminal procedures code when assigning hearing dates.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There are separate court systems for 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 have recourse to file an amparo, an action to seek redress of any violation of a constitutional right, including violations of human rights protected by the constitution. This remedy was used infrequently and only by those with sophisticated legal counsel.

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

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

Although the government denied using unauthorized wiretaps, monitoring of private email, or other surreptitious methods to interfere with the private lives of individuals and families, human rights groups and opposition politicians alleged such interference occurred. Opposition political parties alleged government officials at times threatened subordinates with loss of employment and other benefits to compel them to support the incumbent PLD party and attend PLD campaign events.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right.

Freedom of Expression: Individuals and groups were generally able to criticize the government publicly and privately without reprisal, although there were several incidents in which authorities intimidated members of the press.

Press and Media Freedom: Independent media were active and expressed a wide variety of views, although there were some restrictions. In April the president of the Dominican Society of Dailies said members of media had limited access to cabinet members and government institutions and often reporters were not permitted to ask questions beyond the scope of what government officials wanted to promote or communicate, citing institutions such as the Office of the Presidency and National Police. The government responded that ministers, vice ministers, and agency directors had done 950 interviews in the year between print, radio, and television. In August the three hosts of the daily talk show *Enfoque Matinal* announced they were resigning after station management reportedly attempted to install two new, openly progovernment members on the talk show's cast. The journalists said they were leaving as the direct result of pressure from the Attorney General's Office after they denounced irregularities in the appointment process of district attorneys and prosecutors.

Violence and Harassment: Journalists and other persons who worked in media were occasionally harassed or physically attacked. Some media outlets reported that journalists, specifically in rural areas, received threats for investigating or denouncing criminal groups or official corruption. The Inter American Press Association reported that journalists suffered violent attacks from military and police security details of government officials, particularly while covering civil society-led protests. In April a court sentenced Matias Avelino Castro to 20 years in prison for his role in the 2011 murder of journalist Jose Agustin Silvestre. Before the sentencing, the Committee to Protect Journalists issued a statement calling on authorities to protect the journalist Alicia Ortega of the news channel Noticias SIN, alleging she was harassed after she broadcast a segment about Avelino Castro. The Attorney General's Office disclosed that it opened a criminal investigation into the allegations. As of October no arrests were made.

Censorship or Content Restrictions: The constitution provides for protection of the confidentiality of journalists' sources and includes a "conscience clause" allowing journalists to refuse reporting assignments. Nonetheless, journalists practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners. Some media outlets chose to omit the bylines of journalists reporting on drug trafficking and other security matters to protect the individual journalists.

Libel/Slander Laws: The law criminalizes defamation and insult, with harsher punishment for offenses committed against public or state figures than for offenses against private individuals. The Dominican College of Journalists reported that journalists were sued by politicians, government officials, and the private sector to pressure them to stop reporting. In 2016 the Constitutional Tribunal annulled several articles in the Law on Freedom of Expression that criminalized statements denouncing events that were of public interest and that authorities considered damaging. The court also ruled that media outlets, executive staff, and publishers are not liable for libel suits against individual journalists. While some observers proclaimed this relieved pressure on journalists by business interests that controlled much of the mainstream media, others described the ruling as benefiting business interests' ability to distance themselves from protecting their editors and journalist teams. The law continues to penalize libel for statements concerning the private lives of certain public figures, including government officials and foreign heads of state.

Internet Freedom

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

According to the International Telecommunication Union, 65 percent of citizens used the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions. The government cooperated in a limited manner with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Civil society organization representatives said deportations of Haitian migrants and Dominicans of Haitian descent continued. They said some deportations were arbitrary and consisted of taking persons across the border without any record of doing so. IOM border monitoring found that some of those deported were unaccompanied children. In October 2017 the Center for Migration Observation and Social Development in the Caribbean reported concern regarding the lack of information on accountability mechanisms stipulating that migration officials and other members of state security adhere to legal provisions for due process and other rights of migrants during deportations. The center reported that abuses appeared to be greater when the deportations were carried out by military personnel than by officials of the General Directorate of Migration. In addition to deportation, undocumented Haitian victims faced increased vulnerability to trafficking.

The IOM reported cases of individuals deported because authorities did not permit them to retrieve immigration or citizenship documents from their residences as well as deportations of women who left children behind in their residences.

A 2017 National Statistics Office and UN Population Fund study estimated the total Haitian population in the country at 750,150, of whom 497,800 were identified as Haitian immigrants and 252,350 were categorized as persons of Haitian descent. The exact number of undocumented persons was unclear.

The 2014 National Regularization Plan enabled undocumented migrants in the country to apply for temporary legal residency. In July 2016 the government extended the expiration date of the temporary resident cards issued under the plan, marking the third time the government had done so. The plan granted temporary residency status to more than 260,000 irregular migrants (98 percent Haitian).

UN officials accompanied immigration authorities during interception procedures conducted in different provinces. According to the United Nations, deportation procedures were generally orderly, legal, and individualized, in compliance with applicable international human rights standards, although there were reports of arbitrary detentions and deportations of Haitian migrants and their descendants, as well as persons perceived as such.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status. While the government has established a system for providing protection to refugees, it has not effectively implemented it. A 1983 decree created the National Office of Refugees in the Migration Directorate of the National Commission for Refugees (CONARE). CONARE is an interministerial body, composed of the Foreign Ministry, National Department of Investigations, and General Directorate of Migration, that adjudicates asylum claims.

A 2013 CONARE resolution requires individuals to apply for asylum within 15 days of arrival in the country. Under this resolution, if an asylum seeker is in the country for more than 15 days and does not apply for asylum, the individual permanently loses the right to apply for asylum. The resolution also rejects any asylum application from an individual who was in, or proceeds from, a foreign country where the individual could have sought asylum. Thus, the government makes inadmissibility determinations administratively before an asylum interview or evaluation by CONARE.

According to refugee NGOs, there was no information posted at ports of entry to provide notice of the right to seek asylum or of the timeline or process for doing so. Furthermore, the NGOs reported that immigration officials did not know how to handle asylum cases. UNHCR protection officers were occasionally and unpredictably granted access to detained asylum seekers. CONARE policies do not provide for protection screening in the deportation process. By law the government must afford due process to detained asylum seekers, and those expressing a fear of return to their country of nationality or habitual residence should be allowed to apply for asylum under the proper procedures. Nonetheless, there was generally neither judicial review of deportation orders nor any third-party review to provide for protection screening.

UN officials said a lack of due process resulted in arbitrary and indefinite detention of persons of concern with no administrative or judicial review and a 96 percent

rejection rate of asylum applications submitted to CONARE since 2013. As a result, asylum seekers and refugees in the country were at risk of refoulement and prolonged detention.

According to UNHCR, as of June the country hosted 865 asylum seekers and 583 refugees, of whom only 11 were recognized by CONARE. Of the more than 300 asylum-seeker cases between 2012 and 2016 that received a final decision, the government rejected 99 percent with the vague justification of “failure of proof.” NGOs concluded this alone was evidence of systemic discrimination, as 99 percent of asylum seekers were also of Haitian origin.

High costs and tedious renewal procedures made it unsustainable for refugees to stay in the country with valid migratory documents.

The border police and immigration officials were not adequately trained for gender-sensitivity and nondiscriminatory practices when dealing with female asylum seekers and refugees, according to UNHCR. The country failed to implement a gender-sensitive identification system for female asylum seekers and refugees that was not based on prejudices and stereotyped notions of women, including victims of trafficking or sexual exploitation.

CONARE did not provide rejected asylum seekers details of the grounds for the rejection of their initial application for asylum or information regarding the process for appeal. Rejected applicants received a letter informing them that they had 30 days to leave the country voluntarily. Per government policy, rejected asylum seekers have seven days from receipt of notice of denial to file an appeal; however, the letter providing notice of denial did not mention this right to appeal.

During the year government authorities involved in screening at points of entry and at detention centers, including immigration officers, members of the armed forces, judicial authorities, and police officers, participated in UNHCR-sponsored training designed to ensure that asylum procedures are fair, efficient, and gender sensitive.

Freedom of Movement: The government issued travel documents to approved refugees for a fee of 3,150 pesos (\$63). Refugees commented that the travel document listed their nationality as “refugee” and not their country of origin. Asylum seekers with pending cases had only a letter to present to avoid deportation, which deterred freedom of movement.

Refugees recognized by CONARE underwent annual re-evaluation of their need for international protection, a procedure counter to international standards, and were issued one-year temporary residence permits that could not be converted to a permanent residence permit. Some refugees recognized by CONARE were also issued travel documents that were not accepted in visa application processes, or they were not issued travel documents at all.

Although the constitution prohibits administrative detention and the law establishes that asylum seekers should not be detained under any circumstance, UNHCR officials reported that the lack of access and monitoring of detention centers resulted in the frequent, arbitrary, and indefinite detention of persons in need of international protection.

Employment: The government prohibited asylum seekers with pending cases from working. This situation was further complicated by the long, sometimes indefinite, waiting periods for pending cases to be resolved. Lack of documentation also precluded refugees from certain employment. Employment was nonetheless a requirement for the government to renew refugees' temporary residency cards.

Access to Basic Services: Approved refugees receive the same rights and responsibilities as legal migrants with temporary residence permits. This provided refugees the right to access education, employment, health care, and other social services. Nonetheless, UNHCR reported that problems remained. Only those refugees able to afford health insurance were able to access adequate health care. Refugees reported their government-issued identification numbers were not recognized, and thus they could not access other services, such as opening a bank account or entering service contracts for basic utilities, and instead had to rely on friends or family for such services. Refugees who did not receive migratory permits lived on the margins of the migratory system. Foreigners often were asked to present legal migratory documents to obtain legal assistance or access the judicial system; therefore, many refugees and asylum seekers were unable to find legal remedies for predicaments they faced under criminal, labor, family, or civil law.

Stateless Persons

Prior to 2010 the constitution bestowed citizenship upon anyone born in the country except children born to diplomats and children born to parents who are "in transit." The 2010 constitution added an additional exception for children born in the country to parents without migratory status. In 2013 the Constitutional

Tribunal ruled that undocumented migrants were considered “in transit” for purposes of citizenship transmission, and thus all children born to undocumented migrant parents were not Dominican citizens. The ruling retroactively revised the country’s citizenship transmission laws and stripped citizenship from approximately 135,000 persons, mostly the children of undocumented Haitian migrants, who had been conferred citizenship by virtue of jus soli since 1929.

Until 2012 the Haitian constitution did not permit dual citizenship. Therefore, individuals of Haitian descent who obtained Dominican citizenship at birth by virtue of birth on Dominican soil forfeited their right to Haitian citizenship. The 2013 Constitutional Tribunal ruling therefore stripped nearly all of those affected of the only citizenship they held. The Inter-American Commission on Human Rights (IACHR), UNHCR, and Caribbean Community criticized the 2013 tribunal judgment. The IACHR found that the 2013 ruling implied an arbitrary deprivation of citizenship and that it had a discriminatory effect, stripped citizenship retroactively, and led to statelessness for individuals not considered citizens.

In 2014 President Medina signed and promulgated a law to regularize and (re)issue identity documents to individuals born in the country between June 16, 1929, and April 18, 2007, to undocumented migrant parents, who were previously registered in the civil registry (Group A), recognizing them as Dominican citizens from birth. Based on an audit of the national civil registry archives, that population was estimated to total 60,000. By the end of 2017, according to the civil registry, 20,872 Group A persons had been issued birth certificates or national identity cards.

The 2014 law also creates a special path to citizenship for persons born to undocumented migrant parents who never registered in the civil registry, including an estimated 45,000-75,000 undocumented persons, predominantly of Haitian descent (Group B). Group B individuals were able to apply for legal residency under this law and apply for naturalized citizenship after two years. The law granted Group B individuals 180 days to apply for legal residency, an application window that closed on January 31, 2015. A total of 8,755 Group B individuals successfully applied before that deadline. NGOs and foreign governments expressed concern for the potentially large number of Group B persons who did not apply before the deadline. The government committed to resolve any unregistered Group B cases but did not identify the legal framework under which that commitment would be fulfilled. The government also committed not to deport anyone born in the country.

In 2015 the civil registry (known as the Central Electoral Board or JCE) announced it had transferred the civil records of the 54,307 individuals identified in Group A to a separate civil registry book and annulled their original civil registrations. The JCE invited those on the list to report to JCE offices and receive a reissued birth certificate. In 2015 civil society groups reported that many Group A individuals experienced difficulties obtaining reissued birth certificates at JCE offices. NGOs documented cases of individuals they determined qualified as Group A but were not included in the JCE's audit results list. In response to complaints, the government created channels for reporting missing cases, delays, or failures to issue Group A nationality documents in JCE satellite offices, including a telephone line and social media accounts. NGOs reported the measures led to improved document issuance rates for Group A.

UN officials and NGOs said the law on nationality had a disproportionate and negative impact on women and their children. They reported that mothers, especially unmarried mothers of Haitian origin, were unable to register their children on an equal basis as the fathers. The law requires a different birth certificate for foreign women who do not have documentation of legal residency. This led to discrimination in the ability of children born to foreign women with Dominican citizen fathers to obtain Dominican nationality, especially if they were of Haitian descent. This was not true in the reverse situation when children were born to a Dominican citizen mother with a foreign-born father.

Dominican-born persons of Haitian descent without citizenship or identity documents faced obstacles traveling both within and outside the country. In addition, undocumented persons may not obtain national identification cards or voting cards. Persons who did not have a national identification card or birth certificate had limited access to electoral participation, formal-sector jobs, public education, marriage and birth registration, formal financial services such as banks and loans, courts and judicial procedures, and ownership of land or property.

Between 2015 and September 2018, officials from the IOM identified 20 Group A or B beneficiaries who were deported by government authorities. UNHCR reported during the year that it was able to prevent the deportation of 12 Group A or B beneficiaries by coordinating with the General Directorate of Migration.

In March the IACHR removed the country from a black list reserved for countries with the most egregious violations of human rights, where it had been placed in 2017 because of its treatment of Dominicans of Haitian descent. The removal was due to the government agreement to create a working group with civil society

participation that would address 12 issues the IACHR identified as priorities, such as the impact of the 2013 Constitutional Tribunal decision that disproportionately deprived black, ethnically Haitian Dominicans of citizenship based on their race and national origin.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

Political Parties and Political Participation: The OAS and domestic NGOs criticized the inequality of preceding political campaigns regarding allocation of funding. By law major parties, defined as those that received 5 percent of the vote or more in the previous elections, received 80 percent of public campaign finances, while minor parties shared the remaining 20 percent of public funds. Civil society groups criticized the government and the incumbent PLD party for using public funds to pay for advertising in the months leading up to the 2016 elections, although the law prohibits the use of public funds for campaigns. In March 2016 President Medina ordered a stop to the use of public funds for the campaign, and government spending on advertising decreased. According to civil society groups, revenue from government advertising influenced media owners to censor voices in disagreement with their largest client, the PLD party. In August Congress passed and the president signed a Political Parties law, which among other provisions,

establishes limits on party financing, governs primaries, and amends regulations for the establishment of new political parties.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. The JCE required political parties to comply with a 33 percent quota for nominations of women to posts as deputies and governors at the district level as well as specific quotas for other political offices.

Section 4. Corruption and Lack of Transparency in Government

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

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

Corruption: In August the Attorney General's Anticorruption Office ordered the arrest of Gabriel Antonio Mora Ramirez and Eddy Ramon Morfe after the Supreme Court ratified their two-year prison sentence for embezzling 185 million pesos (\$3.7 million) from the Cabarete district board of directors.

Civil society organizations criticized the widespread practice of awarding government positions as political patronage and alleged many civil servants did not have to perform any job functions for their salary. Small municipalities reported having staffs far in excess of what the physical offices could house.

NGOs as well as individual citizens regularly reported acts of corruption by various officials, including police officers, immigration officials, and prison officials. The government on occasion used nonjudicial sanctions to punish corruption, including dismissal or transfer of military personnel, police officers, judges, and other minor officials engaged in bribe taking and other corrupt behavior. Widespread acceptance and tolerance of petty corruption, however, hampered anticorruption efforts.

In June the attorney general dropped charges against seven of the 14 defendants indicted in May 2017 for alleged links to \$92 million in bribes paid by the Brazilian construction company Odebrecht to obtain public works contracts. A national anticorruption citizens' movement known as the Green Movement, created in January 2017 due to the Odebrecht scandal, continued during the year.

Financial Disclosure: The law requires the president, vice president, members of congress, some agency heads, and other officials, including tax and customs duty collectors, to declare their personal property within 30 days of being hired, elected, or re-elected as well as when they end their responsibilities. The constitution further requires public officials to declare the provenance of their property. The law makes the Chamber of Accounts responsible for receiving and reviewing these declarations, although many public officials did not comply. NGOs questioned the veracity of the declarations, as amounts often fluctuated significantly from year to year, and total declared assets often appeared unrealistically low.

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

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

Government Human Rights Bodies: The constitution establishes the position of human rights ombudsman, and in 2013 the Senate appointed Zoila Martinez, a former Santo Domingo district attorney, for a six-year term. The ombudsman's functions are to safeguard the fundamental human rights of persons and protect collective interests established in the constitution and law. There is also an interinstitutional human rights commission, chaired by the minister of foreign affairs and the attorney general. The Attorney General's Office has its own human rights division.

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, domestic violence, and other forms of violence, such as

incest and sexual aggression. The sentences for conviction of rape range from 10 to 15 years in prison and a fine of 100,000 to 200,000 pesos (\$2,000 to \$4,000).

Rape was a serious and pervasive problem. Despite government efforts, violence against women was pervasive. The Attorney General's Office oversees the specialized Violence Prevention and Attention Unit, which had 19 offices in the country's 32 provinces. The Attorney General's Office instructed its officers not to settle cases of violence against women and to continue judicial processes, even in cases in which victims withdrew charges. District attorneys provided assistance and protection to victims of violence by referring them to appropriate institutions for legal, medical, and psychological counseling. In November 2017 the attorney general announced a new national plan to combat violence against women and funding for a "City of Women" to provide comprehensive services for victims. During the year the government relaunched its 24-hour domestic violence hotline, launched a national publicity campaign against domestic violence, opened five new victims assistance units (of a planned 14 new units), hired 200 new specialized staff to serve in the units, and signed an agreement with National University Pedro Henriquez Urena for a degree program for prosecutors and inspectors specializing in gender violence and in intrafamily and sex crimes. In September the attorney general also launched a "100-day challenge," for which his office opened 1,986 new domestic violence cases, nine times the number in the 100 days before the challenge. The attorney general declared his office resolved 215 cases during the challenge.

The Ministry of Women actively promoted equality and the prevention of violence against women through implementing education and awareness programs and the provision of training to other ministries and offices. It also operated shelters and provided counseling services, although NGOs argued these efforts were inadequate.

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

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

Discrimination: Although the law provides women and men the same legal rights, women did not enjoy social and economic status or opportunity equal to that of men (see also section 2.d.).

Children

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

Education: The constitution stipulates free, compulsory public education through age 18; however, education was not universal through the secondary level for undocumented students. Public schools enrolled children who lacked identity documentation and promoted undocumented children between grades, although an identity document was necessary for the Ministry of Education to issue a high-school diploma. The Ministry of Education and the Vice President’s Office, through the Progressing with Solidarity program, worked with families to assist children with late registration of birth and identity documentation.

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

Early and Forced Marriage: The legal minimum age for marriage with parental consent is 16 for boys and 15 for girls. Marriage, particularly of women, before age 18 was common. According to a 2014 UNICEF-supported government survey, 10 percent of girls were married by age 15 and 37 percent by age 18. The government conducted no known prevention or mitigation programs. Girls often married much older men. Child marriage occurred more frequently among girls who were uneducated, poor, and living in rural areas.

Sexual Exploitation of Children: The law defines statutory rape as sexual relations with anyone younger than age 18. Penalties for conviction of statutory rape are 10 to 20 years in prison and a fine of 100,000 to 200,000 pesos (\$2,000 to \$4,000).

The commercial sexual exploitation of children generally occurred in tourist locations and major urban areas. The government conducted programs to combat the sexual exploitation of minors.

Displaced Children: Large populations of children, primarily Haitians or Dominicans of Haitian descent, lived on the streets and were vulnerable to trafficking (see section 2.d.).

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

International Child Abductions: The country is a party to the 1980 Hague Convention on International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [/travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data.html](http://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data.html).

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at 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, education, the judicial system, and in obtaining health care and transportation services. The law provides for access to basic services and physical access for persons with disabilities to all new public and private buildings. It also specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Authorities worked to enforce these provisions, but a gap in implementation persisted. Very few public buildings were fully accessible.

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

The law states the government should provide for persons with disabilities to have access to the labor market as well as to cultural, recreational, and religious activities, but it was not consistently enforced. There were three government centers for care of children with disabilities--in Santo Domingo, Santiago de los Caballeros, and San Juan de la Maguana. In 2016 the Ministry of Education reported that 80 percent of registered students with disabilities attended school, but this had not been independently verified.

National/Racial/Ethnic Minorities

There was evidence of racial prejudice and discrimination against persons of dark complexion, but the government denied such prejudice or discrimination existed and, consequently, did little to address the problem. Civil society and international organizations reported that officials denied health care and documentation services to persons of Haitian descent.

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

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

Discrimination limited the ability of LGBTI persons to access education, employment, health care, and other services.

NGOs reported police abuse, including arbitrary arrest, police violence, and extortion, against LGBTI persons. According to civil society organizations, authorities failed to properly document or investigate the incidents that were reported. According to a report presented by civil society before the UN Human

Rights Committee, the law does not provide for the prosecution of hate crimes against LGBTI individuals based on their sexual orientation or gender identity.

NGOs reported widespread discrimination against LGBTI persons, particularly transgender individuals and lesbians, in such areas as health care, education, justice, and employment. LGBTI individuals often faced intimidation and harassment.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, with the exception of military and police, to form and join independent unions, conduct legal strikes, and bargain collectively; however, it places several restrictions on these rights. For example, a requirement considered excessive by the ILO restricts trade union rights by requiring unions to represent 51 percent of the workers in an enterprise to bargain collectively. In addition, the law prohibits strikes until mandatory mediation requirements have been met. Formal requirements for a strike to be legal also include the support of an absolute majority of all company workers for the strike, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike. Government workers and essential public service personnel may not strike. The government considers essential public service personnel those workers in the fields of communications, water and energy supply, hospitals and pharmacies, as well as all other workers from similar industries.

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

The government and private sector inconsistently enforced laws related to freedom of association and collective bargaining. Labor inspectors did not consistently investigate allegations of violations of freedom of association and collective bargaining rights. Workers in the sugar sector, for example, reported that labor inspectors did not ask them or their supervisors about freedom to associate, right to organize, union membership or activity, or collective bargaining, although workers had separately reported some instances of employers threatening them with firing or loss of housing if they met with coworkers.

Penalties under law for labor practices contrary to freedom of association range from seven to 12 times the minimum wage and may increase by 50 percent if the employer repeats the act. Noncompliance with a collective bargaining agreement is punishable with a fine. Such fines were insufficient to deter employers from violating worker rights and were rarely enforced. Additionally the process for dealing with disputes through labor courts was often long, with cases pending for several years. NGOs and labor federations reported companies took advantage of the slow and ineffective legal system to appeal cases, which left workers without labor rights protection in the interim.

There were reports of intimidation, threats, and blackmail by employers to prevent union activity. Some unions required members to provide legal documentation to participate in the union, despite the fact that the labor code protects all workers within the territory regardless of their legal status.

Labor NGOs reported 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. Workers frequently had to sign documents pledging to abstain from participating in union activities. Companies also created and supported “yellow” or company-backed unions to counter free and democratic unions. Formal strikes occurred but were not common.

In early April autonomous trading unions protested against an international company, claiming violations of labor and freedom of association rights. The unions alleged the company had put pressure on them, dismissed workers unjustifiably, and offered money to the union leaders to leave their posts. At the end of the month, the international company released a statement denying the allegations.

Companies used short-term contracts and subcontracting, which made union organizing and collective bargaining more difficult. Few companies had collective bargaining pacts, partly because companies created obstacles to union formation and could afford to go through lengthy judicial processes that nascent unions could not afford.

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

The law applies equally to migrant workers, but NGOs reported that many irregular Haitian laborers and Dominicans of Haitian descent in construction and agricultural industries did not exercise their rights due to fear of being fired or deported. The 2017 survey by the National Statistics Office and UN Population Fund found that of the 334,092 Haitians age 10 or older living in the country, 67 percent were working in the formal and informal sectors of the economy. 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 imprisonment with fines for persons convicted of forced labor. Such penalties were sufficiently stringent to deter abuses.

The government reported it received no forced labor complaints during the year.

Haitian workers' lack of documentation and legal status in the country made them vulnerable to forced labor. Dozens of sugarcane workers protested in front of the Haitian embassy in Santo Domingo early in September to demand documentation from their government. Although specific data on the problem were limited, Haitian nationals reportedly experienced forced labor in the service, construction, and agricultural sectors. Many of the 240,000 mostly Haitian irregular migrants who received temporary (one- or two-year) residency through the Regularization Plan for Foreigners worked in these sectors. In 2015 and 2016, the government created the regulatory framework to include documented migrants in the national social security network, including disability, health-care, and retirement benefits. As of November the government had enrolled 28,500 migrants in the social security network; more than 90 percent had registered under the regularization plan.

Also see the Department of State's *Trafficking in Persons Report* at 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 age 14 and places restrictions on the employment of children younger than age 16, limiting their working hours to six hours per day. For persons younger than age 18, the law limits night work and prohibits employment in dangerous work, such as work involving hazardous substances, heavy or dangerous machinery, and carrying heavy loads. The law also prohibits minors from selling alcohol, certain work in the hotel industry, handling cadavers, and various tasks involved in the production of sugarcane, such as planting, cutting, carrying, and 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, is responsible for enforcing child labor laws. Gaps, including limited human and financial resources for the enforcement of child labor laws and inadequate assistance for victims of commercial sexual exploitation and harmful agricultural work, existed within the ministry that could hinder adequate enforcement of its child labor laws. While the ministry and the council generally effectively enforced regulations in the formal sector, child labor in the informal sector was a problem. The law provides penalties for child labor violations, including fines and prison sentences.

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

The government continued to implement a project with the ILO to remove 100,000 children and adolescents from exploitative labor as part of its Roadmap towards the Elimination of Child Labor. The roadmap aimed to eliminate the worst forms of child labor in the country and all other types of child labor by 2020.

Child labor occurred primarily in the informal economy, small businesses, private households, and the agricultural sector. Children often accompanied their parents to work in agricultural fields. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations and urban areas. Forced child labor was mainly present in domestic work, agriculture, construction, street vending and begging, each sometimes as a result of human trafficking (see section 6, Children).

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination, exclusion, or preference in employment, but there is no law against discrimination in employment based on sexual orientation.

The government did not effectively enforce the law against discrimination in employment. Discrimination in employment and occupation occurred with respect to LGBTI persons, especially transgender persons; against HIV/AIDS-positive persons; and against persons with disabilities, persons of darker skin color, and women (see section 6). For example, the ILO noted its concern regarding sexual harassment in the workplace and urged the government to take specific steps to address existing social and cultural stereotypes contributing to discrimination. Discrimination against Haitian migrant workers and Dominicans of Haitian descent occurred across sectors. Haitians earned, on average, 60 percent of the amount a Dominican worker received in wages. Many Haitian irregular migrants did not have full access to benefits, including social security and health care (see sections 7.b. and 7.e.).

e. Acceptable Conditions of Work

The law provides for a minimum wage, the amount of which depends on the size of the enterprise or type of labor. In 2016 the Ministry of Economy, Planning, and Development calculated the official poverty line at 4,644 pesos (\$93) per household per month. As of November the minimum wage for all sectors was above the 2016 official poverty line. The ministry estimated that 30.5 percent of the population, approximately 3.2 million persons, were living in poverty. In 2015 the Juan Bosch Foundation released a study that reported 63 percent of workers did not receive an income sufficient to pay for the lowest-cost family budget, and only 3.4 percent received a salary adequate to provide for a family of four. The report stated that 80 percent of workers earned less than 20,000 pesos (\$400) per month.

The law establishes a standard workweek of 44 hours, not to exceed eight hours per day on weekdays, and four hours on Saturdays before noon. While agricultural workers are exempt from this limit, in no case may the workday exceed 10 hours. The law stipulates all workers be entitled to 36 hours of uninterrupted rest each week. Although the law provides for paid annual holidays and premium pay for overtime, enforcement was ineffective. The law prohibits excessive or compulsory overtime and states that employees may work a maximum of 80 hours of overtime during three months. The labor code covers domestic workers but does not provide for notice or severance payments. Domestic workers are entitled to two weeks' paid vacation after one year of continuous work as well as a Christmas bonus equal to one month's wage. The labor code also covers workers in the FTZs, but they are not entitled to bonus payments.

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

The Ministry of Labor sets workplace safety and health regulations. By regulation employers are obligated to provide for the safety and health of employees in all aspects related to the job. By law employees may remove themselves from situations that endanger health or safety without jeopardy to their employment, but they could not do so without reprisal.

Authorities did not always enforce minimum wage, hours of work, and workplace health and safety standards. Penalties for these violations range between three and six times the minimum wage. Both the Social Security Institute and the Ministry of Labor had a small corps of inspectors charged with enforcing labor standards,

but it was insufficient to deter violations. In September the NHRC and trade unions reported abusive practices by call centers, including inhuman working conditions, paying workers for fewer hours than worked, underpayment of social security taxes, interference with union organizing, and failure to meet international labor standards.

Mandatory overtime was a common practice in factories, enforced through loss of pay or employment for those who refused. The Dominican Federation of Free Trade Zone Workers reported that some companies set up “four-by-four” work schedules, under which employees worked 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 the law. Some companies paid biweekly salaries every eight days with the four-by-four schedules instead of weekly salaries with a standard 44-hour schedule every seven days. These practices resulted in underpayment of wages for workers, since they were not compensated for the extra hours worked.

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

Companies did not regularly adhere to workplace safety and health regulations. For example, 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 workspaces; an insufficient number of bathrooms; and unsafe eating areas.

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