

Dominican Republic | Freedom House

POLITICAL RIGHTS: 26 / 40

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 presidents to run for a second term; Danilo Medina, of the Dominican Liberation Party (PLD), won a second term in 2016.

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 access to media by participating political parties. The OAS 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 due to 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

The Dominican Republic's bicameral National Congress consists of the 32-member Senate and the 190-member Chamber of Deputies, with members of both chambers directly elected to four-year terms.

In the 2016 legislative elections, held concurrently with presidential election, the ruling PLD captured 26 Senate seats and 106 seats in the Chamber of Deputies. The OAS observer mission 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 the post-election violence. The polls also exposed irregularities in party financing.

Electoral reform has since been heavily debated in the legislature. In August 2018, the Law of Political Parties, Groups, and Movements was enacted by President Medina after winning approval from lawmakers. Under the new law, among other provisions, the JCE will administer the primary elections of political parties, rather than the parties themselves under their own statutes. (The law's approval was seen as a victory for Medina, who was facing some dissent from within his own party.) A number of figures, including PLD members, members of an opposition bloc, constitutional experts, and lawyers have since challenged various parts of the law as unconstitutional. Nevertheless, after holding public consultations, the JCE adopted the regulations for application of the law in December.

Despite the JCE's past 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, newer and smaller parties struggle to access to public financing and secure equal media coverage, hampering their competitiveness. Provisions of the electoral law enacted in August 2018 require a minimum time candidates must be associated with the parties for which they aspire to run, though this was being challenged at year's end.

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

Opposition parties and candidates generally do not face selective restrictions during election periods but are disadvantaged by elements of the electoral framework. Provisions of the electoral law enacted in August 2018 prohibit parties running in an election for the first time from joining preexisting alliances, though this was being challenged at year's end.

The governing PLD has won legislative majorities in the last four 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 the Dominican Republic is among countries with the lowest representation of women at the ministerial level, with only 17.3 percent of positions occupied by women. Woman lawmakers report that it is difficult for them to exert influence over their parties' positions and to secure funding for political candidacies.

Discriminatory attitudes and occasional acts of targeted violence against LGBT people discourages their political participation.

C. FUNCTIONING OF GOVERNMENT: 7 / 12**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.

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

Corruption remains a serious, systemic problem at all levels of the government, judiciary, and security forces, and in the private sector. A US Justice Department investigation into the Brazilian construction company Odebrecht, the results of which surfaced in late 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. Numerous officials from both the previous and current administration were linked to the scandal, but only seven were formally charged, in June 2018. The government has not responded to requests to establish an independent inquiry into the Odebrecht corruption allegations.

C3. Does the government operate with openness and transparency? 2 / 4

The government does not always operate with transparency. Although state agencies generally respond to information requests, they often provide inaccurate or incomplete responses. 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.

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 April 2018, an appeals court sentenced Matias Avelino Castro to 20 years in prison for orchestrating the 2011 murder of journalist, magazine director, and television host, José Agustín Silvestre; Silvestre was killed after promising to publicize information linking Castro to drug trafficking operations. Prior to the verdict, a journalist received threats for covering the trial. The attorney general communicated on Twitter that his office was beginning an inquiry into the threats and would offer her protective measures.

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), though ownership of private outlets is highly concentrated.

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

Religious freedom is generally upheld. However, the Catholic Church receives special privileges from the state including funding for construction, and exemptions from custom duties.

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 or surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is guaranteed by the constitution, and demonstrations are common, but sometimes subject to violent dispersal by police. There was a large protest against government corruption in August 2018, and throughout the year smaller demonstrations were held at which participants called for the decriminalization of abortion, protested rising fuel prices and frequent power outages, and expressed support for the recognition of social, cultural, economic, and environmental rights.

Several people were injured in September when demonstrators protesting high fuel prices and electricity shortages clashed with police. In October, one person was reportedly killed by police gunfire in Santiago de los Caballeros as police moved against protesters, some of whom were working to block roads into their neighborhood ahead of a planned nationwide strike.

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. In practice, workers are often dissuaded from joining unions, and risk dismissal for joining a union. In May 2018, the National Confederation of Trade Union Unit registered a complaint against the Dominican Republic before the International Labor Organization for a breach of international conventions on freedom of association and collective bargaining at several companies.

Several strikes took place in 2018 over high fuel prices and other economic difficulties.

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 3 / 4

Justices of the Supreme Court and Constitutional Court are appointed to seven- and nine-year terms, respectively, by

the appointed by the National Council of the Judiciary. That body is comprised of the president, the leaders of both chambers of congress, the Supreme Court president, and a congressional representative from an opposition party.

The judiciary is plagued by corruption and is susceptible to political pressure. Reports of selective prosecution and the improper dismissal of cases continue. The National Council of the Judiciary has taken some action to curb judicial abuses, and announced in 2018 that since 2012 it had dismissed 22 judges over questionable rulings in favor of defendants.

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

Corruption and politicization of the justice system have 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.

In late 2018, 60 percent of people being held in prisons were in pretrial detention.

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

Rates of murder and other violent crime are high. While the 2018 homicide rate was down approximately 15 percent compared to the previous year, the Citizen Security Observatory (a governmental body that records crime statistics) reported 801 homicides between January and September.

Prisons are severely overcrowded, though the government has indicated it plans to use money from fines resulting from the Odebrecht prosecution to construct new prisons.

The National Human Rights Commission and nongovernmental organizations (NGOs) report that security forces, including joint military and police patrols dispatched by the government to curb violence, committed extrajudicial killings in 2018.

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

Dominicans of Haitian descent and Haitian migrants face persistent 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 people 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 remained stalled in 2018 despite renewed calls from civil society to bring it into effect.

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, asylum seekers and refugees must pay a fee to gain travel documents. Separately, the prevalence of drive-by robberies by armed assailants has prompted 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 non-state actors? 3 / 4

Private business activity remains susceptible to undue influence by organized crime and corrupt officials, though the World Economic Forum's Global Competitive Index points to some improvement in these areas.

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. According to 2017 statistics from the UN Children's Fund (UNICEF), 36 percent of girls are married before their 18th birthday. 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 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 shortly afterward voted against the Senate's rejection, thus setting the stage for another legislative vote on the issue. In 2018, a national survey revealed that a majority of the population supported decriminalization of abortion in each of those instances.

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

Many workers in the country are employed informally, leaving them without legal protections.

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.