



Dominican Republic

Country Reports on Human Rights Practices - [2007](#)

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The Dominican Republic is a representative constitutional democracy with a population of approximately 9.4 million, including hundreds of thousands of undocumented Haitians. In 2004 President Leonel Fernandez of the Dominican Liberation Party (PLD) was elected for a second (nonconsecutive) term, and in 2006 elections the PLD won majorities in both chambers of Congress. Impartial outside observers assessed both elections as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

Although the government's human rights record improved somewhat, serious problems remained: unlawful killings; beatings and other abuse of suspects, detainees, and prisoners; poor to harsh prison conditions; arbitrary arrest and detention of suspects; a large number of functionally stateless persons; widespread corruption; harassment of human rights groups; violence and discrimination against women; child prostitution and other abuse of children; trafficking in persons; severe discrimination against Haitian migrants and their descendants; and disregard of fundamental labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces were involved in many killings that were unlawful, unwarranted, or involved excessive use of force.

According to the Attorney General's Office, approximately 16 of every 100 violent deaths since January 2005 involved the security forces. The office redefined the cause of these violent deaths involving security forces from "exchanges of gunfire in the course of an arrest" to "death at the hands of the police in the course of their duty." From January to August, the report stated that police killed 173 persons in the course of duty, approximately 13 percent of all violent deaths. These killings were attributed mostly to lack of training and accountability and minimal supervision.

In July the media reported one death as due to confrontation with security forces during a national strike; however, details were sketchy, and there was no confirmation that security forces were responsible for this death.

In August police shot and killed Rafael Concepcion, owner of a betting kiosk, who minutes before allegedly shot a burglar. Eyewitnesses reported that the police shot Concepcion at point-blank range while in custody, even though he seemed cooperative.

The inspector general named a commission to investigate the case and detained the police officers involved in the shooting.

Unlike the previous year, the prison director reported no deaths by negligence in the prison system.

Human rights nongovernmental organizations (NGOs), while conceding that the situation improved somewhat during the year, asserted that, as in previous years, the police continued to employ unwarranted deadly force against criminal suspects.

In January courts sentenced to prison terms of 10 to 20 years four of eight military officials accused in the deaths of 25 Haitians who were being transported in the back of a truck across the border in 2006.

There was no information available about the disposition of the 2006 cases of two police sergeants charged with homicide

in the Luis Manuel Ventura killing, of two police officers charged with the murder of Elvin Amable Rodriguez, or the two former policemen accused of murdering a 12-year-old girl, her aunt, and a suspected criminal in 2005.

On a number of occasions, citizens attacked alleged criminals in vigilante-style reprisals for theft, robbery, or burglary. In February in Yaguatae, San Cristobal, a crowd tortured and killed two alleged robbers. These incidents were attributed to an increase in crime and the inability of security forces to stem or combat these crimes.

b. Disappearance

There were no reports of politically motivated disappearances.

In May the Public Ministry announced it would reopen an investigation regarding the case of journalist Narciso Gonzalez, who disappeared in 1994 after allegedly criticizing the government. There were credible allegations that he was detained by intelligence agents.

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

Although the law prohibits torture, beating, and physical abuse of detainees and prisoners, members of the security forces, primarily police, continued such practices. The Attorney General's Office reported that the police were involved in incidents that resulted in maiming or severely injuring unarmed civilians. However, improvements in oversight and awareness led to a perception that the police were indeed making efforts to reduce incidents of physical abuse of detainees. Nonetheless, human rights organizations stated that uniformed vigilantism persisted on a less-than-deadly level.

The law provides penalties for torture and physical abuse, including sentences from 10 to 15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. Authorities sent new abuse and torture cases to civilian criminal courts rather than police tribunals.

Senior police officials treated the prohibition on torture and physical abuse seriously, but lack of supervision, training, and accountability throughout the law enforcement and corrections systems undercut efforts to contain the problem. Although observers agreed that conditions improved somewhat due to an increase in professionally trained corrections officers, human rights groups and prisoners reported physical abuse of detainees, most commonly beatings. Some observers believed that the civilian corrections officers lacked the discipline and cohesion of the military personnel they replaced and were more prone to insubordination and abuse of inmates.

In July the National Commission on Human Rights, an NGO, filed a complaint against the police with regard to the case of Javier Vicente Reyes Segura, who according to press reports was driving in Santiago when a police patrol started firing at his vehicle. When Reyes realized it was the police firing, he stopped, exited his vehicle, got on his knees, and begged the police not to kill him. Instead they shot him at point-blank range in his right leg, leaving him unable to walk.

There was no information available about a trial of two police officials on charges of torturing Dionisio Contreras in 2006.

There were reports of use of excessive force against demonstrators and protesters by members of the security forces.

Lawyers from the National District prosecutor's office monitored the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate (DNCD) offices. Evidence indicated that assistant prosecutors at times acquiesced in improper police practices rather than insisting they be changed to conform to constitutional standards.

Prison and Detention Center Conditions

Prison conditions ranged from poor to extremely harsh in many prisons, although prisoners in newer "model prisons" experienced better conditions. Reports of mistreatment and inmate violence in prisons were common. The prisons were seriously overcrowded, health and sanitary conditions were poor, and some prisons were out of the control of authorities and effectively run by criminal gangs of armed inmates. A common sentiment among prison wardens was that while they may control the perimeter, inside the prison the inmates often made their own rules and had their own system of justice.

Budget allocations for necessities such as food, medicine, and transportation were insufficient. Most inmates begged for or purchased food from persons in the vicinity of the prison or obtained it from family members. Prisoners were often not taken to their trials unless they paid bribes to the guards, and visitors often had to bribe prison guards in order to visit prisoners. Similarly, detainees had to pay bribes to be allowed to attend vocational training offered at some facilities. Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. Prisons often did not provide adequate medical care to inmates. Prisoners immobilized with HIV/AIDS or who had terminal illnesses were not transferred to hospitals.

According to the Directorate of Prisons, approximately 15,400 prisoners and detainees were held in 35 prisons with an intended capacity of approximately 9,000. Virtually all prisons experienced extreme overcrowding. La Victoria prison, the largest in the country, held more than 3,700 prisoners in a facility designed for 1,600, with beds for fewer than 1,800 inmates. Officials estimated that the prison system had 6,300 beds, leaving more than 9,100 inmates sleeping on the floor.

Although a warden who reports to the attorney general was technically responsible for running each prison, in practice police or military officers (generally appointed for a period of only three to six months and responsible for providing security) were usually in charge of most prisons. Approximately 80 percent of prison guards were military or police officers rather than civilian correctional officers.

There were continued allegations of drug and arms trafficking, prostitution, and sexual abuse within the prisons.

There continued to be special sections within prisons where police officers convicted of criminal activity, including a few known human rights abusers, were interned.

Prosecutorial authorities misplaced key files associated with the 2005 riot and fire that killed at least 136 inmates in Higuey Prison, and no convictions were obtained.

Female inmates generally were separated from male inmates. Half of the total female population was held in a prison only for women. Conditions in the prison wings for women generally were better than those in prison wings for men. Female inmates, unlike their male counterparts, were prohibited from receiving conjugal visits. Those who gave birth while incarcerated were permitted to keep their babies with them for a year.

Authorities often detained juveniles with the general prison population and sometimes treated minors as adults and incarcerated them in prison rather than juvenile detention centers.

Because of serious overcrowding, authorities at many smaller facilities did not attempt to segregate prisoners according to the severity of criminal offense.

Pretrial detainees were held together with convicted prisoners. The Directorate of Prisons estimated in an April report that only 27 percent of the detainees in prison had been convicted; the remaining 73 percent were in preventive custody awaiting trial. Later in the year, the prison director's estimated that this figure had dropped to approximately 60 percent.

There were also insufficient efforts to segregate and provide services to the mentally ill, especially at traditional prisons.

Prison authorities continued to revamp certain prisons to create "model" facilities; they improved the aging physical plant of existing facilities, replaced the police and military administration with professionally trained corrections officers under the authority of the Public Ministry, and focused on rehabilitation of and vocational training for inmates. In September authorities started the conversion and remodeling of Salcedo Prison to a model facility. The attorney general reported that the incidence of corruption within these prisons remained minimal. However, this improvement for some prisoners came at the expense of others in the system, because when a facility was converted to a model prison, excess inmates were transferred to other locations, principally La Victoria, increasing the strain on that already overcrowded facility.

The government permitted prison visits by independent human rights observers and by the press, and such visits took place during the year.

d. Arbitrary Arrest or Detention

Although the Criminal Procedures Code (CPC) prohibits detention without a warrant unless a suspect is apprehended in the act or in other limited circumstances, arbitrary arrest and detention continued to be problems. By law authorities may detain a person without charges for up to 48 hours. There were numerous reports of individuals held and later released with little or no explanation for the detention.

Role of the Police and Security Apparatus

The National Police, the National Department of Investigations (DNI), the DNCD, the Airport Security Authority (CESA), Port Security Authority (CESEP), Border Authority (CESFRONT), and the armed forces (army, air force, and navy) form the security forces. The Ministry of the Interior and Police is responsible for making policy decisions affecting the police force. The military's domestic responsibilities include maintaining public order and protecting persons and property. The military, CESA, CESEP, and CESFRONT are under the secretary of the armed forces; the DNI and the DNCD, which have personnel both from the police and military, report directly to the president.

The armed forces continued to provide troops to support the National Police in its nightly patrols of Santo Domingo,

Santiago, and other areas of the country.

A new police chief appointed in August announced a zero tolerance policy for abuses and human rights violations and said he had three priorities: improving training, increasing transparency, and modernizing equipment and infrastructure. However, since the new chief's appointment, reports of instances of questionable use of force continued.

The Internal Affairs Unit conducted investigations into charges of gross misconduct against members of the National Police. These cases involved physical aggression, death threats, improper use of a firearm, verbal aggression, muggings, and theft. By June authorities expelled 767 police from the force, in addition to 2,233 previously expelled, for gross misconduct and charged more than 208 officers for crimes committed while on duty, compared with 628 findings of criminal misconduct in the first 10 months of the previous year.

On many occasions police officials attempted to solicit bribes from individuals facing arrest or imposition of fines. Local human rights observers reported a few occasions in which immigration authorities rounded up Haitian and Dominican-Haitian construction workers and other manual laborers, but labor ministry officials reported this happened less frequently than in 2006. Officials allegedly took groups of darker-skinned or "Haitian-looking" individuals to empty buildings soon after they were paid to extort money from them. NGOs alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes were complicit in the illegal transit of Haitian workers into the country.

The Institute of Human Dignity, a branch of the National Police, conducted training courses for police officers. In the revised police curriculum, both new and existing officers received human and civil rights training as well as increased technical training. In addition the Police Academy curriculum included a policy regarding use of force, wherein some police officers were trained in engaging suspects with less lethal force.

Training for military and DNCD enlisted personnel and officers included instruction on human rights. The Military Institute of Human Rights offered diploma courses in human rights and regularly sent representatives to border units to conduct mandatory human rights training.

Arrest and Detention

The constitution provides that an accused person may be detained for up to 48 hours before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. Any prisoner detained for more than 48 hours without being formally charged is entitled to file a motion of habeas corpus. The presiding judge at the habeas corpus hearing is empowered to order the prisoner's release when the prisoner has been detained for more than 48 hours without being formally charged or when there is insufficient proof of a crime to warrant further detention. The judge's decision to release a prisoner is subject to appeal by the district attorney.

Despite the foregoing provisions, at times the police detained suspects for investigation or interrogation beyond the prescribed 48-hour. Police often detained all suspects and witnesses in a crime and used the investigative process to determine the individuals who were innocent and merited release, and those whom they should continue to hold. Even so, successful habeas corpus hearings reduced these abuses significantly.

Given the inefficiency of and corruption within the judicial system, a significant number of defendants granted bail failed to appear in court for a trial. Although previously granted only to a few defendants, bail became more common under the new CPC, which requires judicial review of detentions at an earlier point in a criminal case, but the system proved inadequate to prevent defendants from disappearing.

The law requires provision of counsel to indigent defendants, but most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. The National Office of Public Defense, with foreign donor support, provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing. The government continued its program to train public defenders on relevant changes caused by implementation of the CPC and expanded training for prosecutors. As mandated by law, the Attorney General's Office placed greater emphasis on providing assistance to crime victims by conducting civil cases for victims who did not have the means to hire a private lawyer.

Police continued the practice, albeit less frequently, of making sporadic sweeps or roundups in low-income, high-crime communities, during which they arrested and detained individuals without warrants, allegedly to fight delinquency. During these sweeps, police arrested large numbers of residents and seized personal property of those arrested.

Many suspects endured long pretrial detention. Under the CPC the judge has authority to order a detainee to remain in police custody between three months and one year. According to the Directorate of Prisons, average pretrial detention decreased but typically was between three and six months. Time served in pretrial detention counted toward completing a sentence. The Public Ministry implemented a new case-tracking system that permitted prosecutors to adhere more

effectively to pretrial detention regulations and thereby reduce the number of occasions when the CPC time limits were exceeded.

Juveniles at the Department for Minors at the Villa Juana police station commonly were held well beyond the 12-hour limit for sending the case to the district attorney's office. The law prohibits interrogation of juveniles by the police or in the presence of police; prosecutors and judges handle interrogation.

The failure of prison authorities to produce the accused for court hearings caused a significant percentage of trial postponements. Inmates often had their court dates postponed because they were not taken from prison to court or because their lawyer, codefendants, or witnesses did not appear. The government lacked the funding to transport all defendants between prison and court. Despite additional protections for defendants in the CPC, in some cases the authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them.

The judiciary successfully implemented a number of measures to reduce the large backlog of criminal cases under the former CPC, and the Supreme Court assigned special judges (courts of liquidation) dedicated solely to resolving them. In addition the judiciary established judicial service offices in La Vega, Moca, and Puerto Plata that allowed urgent matters in need of a judge (such as obtaining an arrest or search warrant and conducting arraignments) to be attended to 24 hours a day.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, judicial independence remained imperiled by corrupt practices. Interference by public entities, when it occurred, tended toward public pronouncements regarding active cases and selective prosecution, as opposed to direct intervention in existing cases. On occasion, however, judges in superior courts attempted to improperly influence lower court decisions.

The judiciary includes a 16-member Supreme Court, various appeals courts, courts of first instance, and justices of the peace. There are specialized courts that handle tax, labor, land, and juvenile matters. A Magistrate's Council selects supreme court justices based on factors such as general reputation and time in service, although the political composition of the council leaves open the possibility for patronage appointments. Lower court judges are appointed following passage of rigorous entrance examinations, completion of a training program, and successful completion of an examination.

The professionalism of the judiciary continued to improve, largely as the result of an intensive training program for judges upon entry, as well as continuing legal education. However, most judges were unable to manage complex cases, especially in the areas of money laundering and fraud.

The professionalism of attorneys remained very spotty, with no formal minimum standards for general attorneys and thousands of persons practicing law without the benefit of even minimal academic preparation. The Dominican Bar Association consistently argued against a bar examination. Public defenders and public prosecutors, however, were typically well qualified; their particular organizations required passage of objective examinations for employment.

Trial Procedures

The law provides for a presumption of innocence, the right of appeal, and the right to confront or question witnesses. The law establishes a citizen's right not to be deprived of liberty without trial or legal formalities or for reasons other than those provided by law, the right against self-incrimination, and the right to a defense in an impartial and public trial. Defendants have the right to remain silent. There were credible allegations that authorities violated these rights in some cases, but there was improved adherence to due process as authorities became increasingly familiar with the modifications to the CPC.

Although military and police tribunals previously exercised exclusive jurisdiction over cases involving members of the security forces, civilian criminal courts handled cases of killings allegedly committed by members of the security forces during the year.

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, civil, and labor courts reportedly suffered lengthy delays in adjudicating cases, although their decisions were generally enforced.

As in criminal courts, undue political or economic influence in civil court decisions remained a problem.

Citizens had recourse to the remedy of amparo, an action to seek redress of any violation of a constitutional right, including violations by judicial officials. However, this remedy was rarely used, except by those with sophisticated legal counsel.

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

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals or groups generally were able to criticize the government publicly and privately without reprisal.

Newspapers and magazines presented a variety of opinions and criticisms. There were eight daily newspapers, a number of weekly newspapers, and numerous online news outlets. Editors at times practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners, such as the trials ensuing after the major 2003 bank frauds, since banks and banking families owned prominent newspapers.

In August the newspaper *Listin Diario* published editorials making assertions strongly denied by Participacion Ciudadana, a local civil society group, which had called for accountability in the 2003 Banco Intercontinental (Baninter) fraud case. The principal defendant, the owner of Baninter, also owns *Listin Diario*.

There were many privately owned radio and television stations, broadcasting a wide spectrum of political views. The government controlled one television station. International media were allowed to operate freely.

Unlike in the previous year, the National Journalists' Union did not record any killings of journalists in the country; however, it reported that civil, police, and military authorities, criminals, and other persons assaulted or threatened more than 40 journalists during the year. Between January and June, the NGO Reporters Without Borders reported more than 25 threats of violence against journalists or physical attacks on news organization in which those responsible were often security forces. The government did little to investigate the threats of violence or physical attacks on journalists, but a court denied an appeal by Vladimir Pujols and reaffirmed his 30-year sentence for the 2004 murder of journalist Juan Andujar. A court also convicted persons involved in the 1975 killing of journalist Orlando Martinez.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, but outdoor public marches and meetings require permits, which the government usually granted. On some occasions, police officers used force to break up spontaneous demonstrations and injured demonstrators or bystanders.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The law prohibits discrimination on religious grounds, and many religious denominations were active.

The Catholic Church enjoyed special privileges not extended to other religions, under the terms of a concordat. For example, the cardinal has the rank of a military general officer, and there is a Catholic chapel at the presidential palace. The Catholic Church also received public funding to cover some church expenses such as rehabilitation of church facilities.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination against members of religious groups. The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice; however, there were some exceptions. Local and international human rights groups reported that hundreds of thousands of persons without proper documentation, including Haitian migrants, faced obstacles in traveling both within and outside of the country.

The law prohibits forced exile, and there were no reports of its use.

Although the government claimed it no longer practiced mass deportation, there were still reported incidents of mass repatriation. The new border control authority reported that it repatriated 11,000 Haitians between September and November. There were credible reports that in the majority of these cases the government did not follow due process, despite the terms of a bilateral agreement with Haiti regarding repatriation of undocumented Haitians.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. This protection generally applied to individuals who gained access to the refugee process and had been issued proof that they were refugees or had applications pending. However, the government did not apply standards agreed upon with the Office of the UN High Commissioner for Refugees to improve receipt and adjudication of refugee claims.

An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of the National Commission for Refugees, which is chaired by the Foreign Ministry. The subcommittee has the responsibility of making a recommendation to the commission, consisting of members from the Foreign Ministry, the DNI, and the Migration Directorate. The full commission has responsibility for the final decision on the application but met only once during the past 13 years. The commission includes the three members of the subcommittee, the legal advisor to the president, and members from the National Police, the Ministry of Labor, and the Attorney General's Office.

As of October the Migration Directorate reported more than 300 applications, nearly all made by Haitians. Some of these cases had been awaiting decision since 2000. According to the Jesuit Refugee Service, an NGO, thousands of other asylum seekers submitted claims that had not been processed, leaving those individuals in a state of legal limbo. Most of these individuals lacked documentation sufficient to obtain permission to work legally and to exercise other rights, such as obtaining documentation for their children.

The Committee of Political Refugees Unified for Their Rights continued to report that Haitian refugees applying to renew valid residence documents were sometimes deported when immigration officials were unable to locate their records in the government's inaccurate database.

The 1951 UN Convention relating to the Status of Refugees provides that children born to refugees also be entitled to refugee status. There were reports that children born to Haitian refugees—even those born to holders of migration documents—were routinely denied birth certificates as well as education, health, and security documentation. In this

respect they received the same treatment as any undocumented Haitian migrant.

Stateless Persons

The constitution provides that anyone born in the country is a citizen, except children born to diplomats or to those "in transit." However, children born of parents of Haitian descent in the country were regularly denied registration as citizens under the transit exception, even when their parents and grandparents had resided in the country for long periods of time. In 2005 the Supreme Court ruled that transit status applied to children of undocumented migrants.

Haitian consulates reported that they were legally authorized to register only those births that were declared within a year. Parents declaring a birth were required to submit valid forms of identification in order to file a claim. These requirements could not be met by a significant number of Haitian descendents in the country, and thus their children remained undocumented. Consequently, thousands of Dominican-born persons of Haitian descent were functionally stateless; one estimate placed the number at between 600,000 and one million persons.

The Dominicans and Dominican-born persons of Haitian descent who lacked citizenship or identity documents faced obstacles in traveling both within and outside of the country. In addition persons who are undocumented cannot obtain the national identification card (cedula) or a voting card. Persons without a cedula have limited access to formal sector jobs, public higher education, marriage and birth registration, formal economy services such as banks and loans, access to courts and judicial procedures, and owning land or property.

Government officials often took strong measures related to citizenship for persons of Haitian descent. In March the Central Elections Board (JCE) ordered officials to refrain from issuing, signing, and copying birth documents for individuals whose parents were foreigners and had not legally proven their residency. This resulted in cases of retroactive cancellation of birth and identity documents, many pertaining to persons of Haitian descent. The government stated that such cancellations were based on evidence the certificates had been obtained fraudulently and that 300 involved parents of Haitian descent. However, critics alleged that the revocations targeted persons whose parents were Haitian or whose names sounded Haitian. NGOs reported some cases of minors turning 18 who, when they solicited a cedula, had their birth certificates cancelled in the registry book and their application for the cedula and voting card denied; however, JCE officials stated that they did not know of any such cases. The NGOs also reported that government officials stepped up this practice during the year.

In March the JCE created a registration system that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. This involved a registration book for foreigners. Regulations stipulated that children born of parents who were not legal residents of the country and have documentation from their home country may register their child in the book, after which the parents would be given an official report of birth, which does not confer citizenship. Only children born in hospitals are eligible for registration in the book. Children of undocumented mothers are given provisional birth certificates until the mother obtains her documents. An undocumented mother may make a late declaration in the civil registry by presenting her parents' birth certificates. However, most undocumented mothers could not comply with this requirement as their parents also did not have documents.

In October the JCE denied Norberto Selvi a copy of his birth certificate. Selvi, born and raised in San Luis, had a passport but needed a new birth certificate. The press reported that a JCE judge ordered that Selvi not be issued a birth certificate as his parents were Haitians.

Local NGOs reported that since implementation of the foreigner's book, hospitals and civil registries did not register numerous children of Haitian parents.

In 2005 the Inter-American Court of Human Rights found that the government had violated the right to nationality of two young Dominican girls of Haitian descent by denying them birth certificates. In March the foreign ministry told the court that the government had made the court-instructed payment to the two girls, but there were no new developments regarding granting of nationality.

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

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

Elections and Political Participation

In 2004 PLD candidate Leonel Fernandez won the presidency in an election described as generally free and fair by the Organization of American States, independent observers, and the government electoral board. Observers also described the 2006 congressional and municipal elections as generally free and fair.

By law parties must reserve for women 33 percent of positions on their lists of candidates for the House of Representatives and city councils; in practice the parties often placed women low on the lists. There were two women in the 32-member Senate, 33 women in the 178-member House of Representatives, three women in the cabinet, and five women on the 16-seat Supreme Court.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, government corruption was a serious problem.

Government officials brought a number of private and public sector corruption cases to trial, although there appeared to be a reluctance to investigate seriously and prepare for trial cases involving senior government officials of either the current or former government. In those cases that went to trial, the prosecution had little success in obtaining either convictions or prison sentences. The use of nonjudicial sanctions, such as dismissal or transfer, against armed service members, police officers, and other minor government officials engaged in bribe taking and other corrupt behavior accelerated but ultimately provided insufficient incentive to check pervasive petty corruption. Society's widespread attitude of tolerance toward at least some forms of corruption complicated the problem.

A presidential commission for ethics and against corruption continued to operate, although with little or no impact as it lacked well-defined authorities and decision-making structures. The office of the inspector general of the judiciary, headed by the president of the Supreme Court, removed several lower-ranking judges for improprieties.

Judicial proceedings related to the fraud-based 2003 collapse of Baninter concluded in October with the conviction of three defendants. Civil society commentators considered the trial, which began in May 2006, to be a major challenge to impunity; two of the principal defendants, Baninter former president Ramon Baez Figueroa and economist Luis Alvarez Renta, reportedly had strong ties within local political circles. The court sentenced those two defendants to 10 years in prison and a third one to eight years.

The law requires that the president and vice president, members of congress, some agency heads, and other officials such as mayors and council members, as well as income tax and customs duty collectors, make declarations of their inventory of personal and real property within a month of being hired and when they "end their responsibilities." However, compliance was spotty, verification inadequate, and the information required was not particularly useful. The Department of Prosecution of Corruption, an office within the Public Ministry, is in charge of reviewing these declarations. In a test verification, 60 percent of the declarations were found to have significant errors in reporting, and a number were incomplete.

The law provides for public access to government information, with limits on the availability of public information only under specified circumstances (such as to protect national security), and penalties of up to six months to two years in prison and a five-year ban from positions of public trust for government officials who obstruct access to public information. A court may review the decision of an agency to deny access to information. The first significant use of this law occurred in May, when journalist Luis Eduardo "Huchi" Lora sued authorities for documents associated with a controversial and costly underground public works project. Although judicial authorities initially ordered release of the documents, the executive branch appealed this decision to the Supreme Court on "national security" grounds, but that court ordered the government to provide the requested documents, and the Ministry of Transportation complied with the ruling. A second application for information regarding diplomatic staffing overseas was handled without incident.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

In March the JCE prepared an internal memo recommending that Dominican-Haitian activist Sonia Pierre be stripped of her citizenship, an action seen by many as retaliation for her advocacy. The JCE's president subsequently disavowed the leaked, internal investigation report, stating that the inquiry had been carried out at the request of single congressman.

Government officials protested overseas showings of documentary films such as *Sugar Babies* and *The Price of Sugar*, produced by activist groups that advocate improved labor and human rights conditions in the sugar industry. In June in an effort to silence human rights critics, a Dominican consul general led a group of persons to disrupt a public event where *Sugar Babies* was being shown, causing the hosts to cancel a planned discussion afterwards. In July the Senate passed a resolution alleging that civil society critics of worker conditions in the sugar industry were motivated by a "profound hate of the Dominican nation."

During their October visit, the UN Special Rapporteurs for Racism and the Rights of Minorities said that they were very concerned about the safety of NGO advocates for the rights of persons of Haitian descent.

Principal local groups included the Dominican Human Rights Committee, the National Human Rights Commission, and the Santo Domingo Institute of Human Rights. There were also several smaller secular and religious organizations that addressed women's rights, labor issues, and the rights of Haitians.

The government never implemented a 2001 law mandating the creation of a human rights ombudsman's office.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination based on race and gender, such discrimination existed, and the government seldom acknowledged its existence or made efforts to combat it.

Women

Rape was a serious and widely underreported problem. The penalties for committing rape are 10 to 15 years in prison (or 10 to 20 years in case of rape of a vulnerable person or under other egregious circumstances) and a fine of approximately \$3,300 to \$6,600 (100,000 to 200,000 pesos). The state may prosecute a suspect for rape even if the victim does not file charges, and rape victims may press charges against a spouse. Victims often did not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. Police were reluctant to handle rape cases and often encouraged victims to seek assistance from NGOs.

Domestic violence continued to be a serious problem. Under the Law against Domestic Violence, the state can prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one to 30 years in prison and fines from approximately \$20 to \$7,000 (600 to 210,000 pesos). A local NGO estimated that 24 percent of women between the ages of 15 and 49 had been victims of physical abuse.

In the National District, which includes a large section of Santo Domingo with approximately 10 percent of the country's population, the public prosecutor's office had a specialized Violence Prevention and Attention Unit. With 13 satellite offices around the city, victims of violence could file criminal complaints, obtain free legal counsel, and receive psychological and medical attention. Police were instructed to forward all domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue temporary restraining orders immediately after receiving complaints.

Although the number of complaints received by the Violence Prevention and Attention Unit increased, which may have reflected the growing awareness of the resources available to victims, few cases went to trial. As of October, the unit received 9,950 cases of gender violence, of which 8,596 were against women. Of the total cases, it dismissed 227, sent 3,831 into mediation, prosecuted 710, had 4,127 under investigation, and dropped charges in 1,055.

The National Directorate for Assistance to Victims coordinates efforts of official and nongovernmental institutions that offer services to victims of violence. It has three offices in Santo Domingo and another three around the country. These offices not only accepted criminal complaints from victims of violence throughout the country but also provided counseling and protection services and, when necessary, referrals to medical or psychological specialists. The Attorney General's Office and the Secretariat of Women, as well as various NGOs, conducted outreach and training programs on domestic violence and legal rights.

The NGO Piedra Blanca operated a shelter for battered women, and the Secretariat of Women supported operation of a center for victims of domestic violence in Bani, where abuse victims could make a report to the police and receive counseling.

Prostitution is legal, although there are some prohibitions against sex with minors, and it is illegal for a third party to derive financial gain from prostitution. However, the government usually did not enforce prostitution laws. Sex tourism remained a serious problem, particularly in Las Terrenas, Sosua, and Boca Chica. Human rights groups reported continuing prostitution in sugarcane work camps and areas outside the capital. NGOs conducted programs about prostitution and child sexual exploitation for hotel and industrial zone workers, male and female prostitutes, and other high-risk groups.

Sexual harassment in the workplace is a misdemeanor and carries a possible penalty of one year in prison and a fine of up to \$333 (10,000 pesos); however, union leaders reported that the law was not enforced, and sexual harassment was a problem.

Although the law provides that women have the same legal status as men, in practice women experienced discrimination. Women did not enjoy social and economic status or opportunity equal to those of men, and men held most leadership

positions in all sectors. In many instances women received less pay than men in jobs of equal content and requiring equal skills. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Although it is illegal to discriminate based on such tests, union leaders reported that pregnant women often were not hired and that female employees who became pregnant sometimes were fired. There were no effective government programs to combat economic discrimination against women.

Children

The government declared its commitment to children's rights and welfare and tried to increase protection for children, with emphasis on eliminating child labor. The National Council for Children and Adolescents (CONANI), a noncabinet public agency, coordinates public policy to protect children's human rights and administers the minors' code. The government did not meet the law's stipulation that CONANI receive at least 2 percent of the national budget and that a minimum of 5 percent of municipal government budgets be devoted to projects to benefit children.

Many children born in the country were not registered at birth. A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. Undocumented children, particularly those of Haitian descent, faced challenges in accessing primary public education (see section 2.d.).

Education is free, universal, and compulsory for all minors through the eighth grade, but legal mechanisms provide only for primary schooling, which was interpreted as extending through the fourth grade. Although the Ministry of Education reported a 92 percent enrollment rate in grades one through eight, a government study estimated that the average grade level achieved by children in public schools was the fifth grade in rural areas and the sixth grade in urban areas.

Several government programs provided medical care for children in public hospitals.

Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. CONANI reported 215 cases of sexual abuse, 224 cases of physical abuse, and 251 cases of commercial sexual exploitation of children under the age of 18. Few such cases reached the courts, due to fear of family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that in most of abuse cases, the accused was a person close to the child, such as a family member or close family friend. The law provides for removal of a mistreated child to a protective environment.

Local monitors believed that instances of child abuse were underreported because of the social norm that such problems should be dealt with inside the family. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides penalties of between two and five years' incarceration and a fine of three to five times the monthly minimum wage for persons found guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking.

The government's National Directorate for Assistance to Victims coordinated efforts of official and nongovernmental organizations to assist children who were victims of violence and abuse.

Trafficking and sexual exploitation of children within the country were problems, particularly in major urban areas and popular tourist destinations. Government officials stated that child prostitution often was based on economic need. Between February and November, police detained 30 suspected child prostitutes between the ages of 10 and 16 in Boca Chica, Las Terrenas, Playa Dorado, and Santo Domingo.

Child labor was a serious problem in the informal sector of the economy.

Trafficking in Persons

Although the law prohibits trafficking in persons, there were reports that men, women, and children were trafficked to, from, and within the country.

International groups estimated that between 30,000 and 50,000 Dominican women worked in prostitution around the world, one-third of whom were victims of trafficking. Principal destination countries were in Europe, the Caribbean, and Latin America. Traffickers in the Caribbean maintained and in some cases strengthened their networks. Women 18 to 25 years of age were at the greatest risk of being trafficked. Many victims were uneducated single mothers seeking to improve the living conditions of their children.

There were unconfirmed reports that sugarcane plantations had ceased transporting new undocumented workers from Haiti because of government crackdowns on Haitian immigration, investment by private sugar producers in mechanization, and the cessation of large-scale cane harvesting on government-owned plantations. However, at year's end NGOs reported eyewitness testimony that new workers were brought in for the harvest, some from other agricultural sectors, while others were presumably recruited from Haiti.

NGOs estimated that there were hundreds of alien smuggling and trafficking rings operating within the country. According to the NGO Center for Integral Orientation and Investigation (COIN) and the International Organization for Migration (IOM), trafficking organizations were typically small groups. Individuals in the country recruited the persons to be trafficked and obtained identification and travel documents. Traffickers frequently met women through friends and family; they promised some form of employment, obtained false or legitimate documents for the women, and often retained their passports after arrival in the destination country. Trafficking organizations reportedly received \$5,000 to \$8,000 (150,000 to 240,000 pesos) for trafficking a woman for purposes of prostitution.

The law includes penalties for traffickers of 15 to 20 years' imprisonment and a fine of up to 175 times the monthly minimum wage. The Code for Minors provides penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines from 100 to 150 times the minimum wage.

The attorney general's antitrafficking unit coordinated the investigation and prosecution of trafficking cases. Units at the National Police, the Migration Directorate, and the Attorney General's Office targeted trafficking in persons, as did the interagency Committee for the Protection of Migrant Women. The Migration Directorate's antitrafficking department coordinated with the Attorney General's Office and the National Police to find and prosecute persons dedicated to trafficking women for prostitution and commercial sexual exploitation.

Within the Attorney General's Office, statistics from the Department of Alien Smuggling and Trafficking in Persons showed 16 active investigations, three prosecutions, and no convictions, as no case had yet reached final disposition. Investigations also took place under other laws, including a new law criminalizing the electronic distribution of child pornography, but no arrests were made. In the National Police's Office of Trafficking and Smuggling, there were 70 human smuggling cases with the accused charged with fraud, rather than trafficking or smuggling.

Press reports alleged that high-level consular and immigration officials were directly involved with smuggling Chinese nationals, some of them trafficking victims. The government made efforts to investigate public officials who facilitated, condoned, or were complicit in trafficking activities or migrant smuggling, but lack of resources and access to closed ethnic communities prevented them from bringing cases to trial. In June the National District prosecuting attorney filed charges against Doris Altagracia Vasquez, a high-level official in the Ministry of Labor, for involvement in a trafficking scheme that lured citizens with false offers of employment in Spain and Canada. In the past three years the Migration Directorate fired 400 inspectors for possible involvement in smuggling and trafficking of persons.

In August police rescued 14 Haitian women in Santo Domingo who were forced to perform sex acts for an Internet pornography site. One of the women filed a complaint against a foreign national, stating she and other women were forced to perform in front of a video camera lewd and sexual acts that were later uploaded and sold via the Internet. The National District prosecutor charged the foreign national with trafficking in persons and deported but did not charge two additional foreigners. The trafficked victims were detained for several days and also deported.

The government provided some assistance to trafficking victims both overseas and in the country, but it relied on NGOs and international organizations to provide the bulk of protection services. The Ministry of Foreign Affairs developed a worldwide network of consular officers trained to recognize and assist victims of trafficking. The government continued working with NGOs to develop job-training programs for returned women. When trafficked individuals were repatriated from abroad, they were given a control record that went into their official police record and were interviewed by a migration inspector. According to COIN, most victims were too embarrassed or frightened to seek legal action against traffickers, and victims received limited or no psychological counseling.

There were several church-run shelters that provided refuge to children who escaped prostitution. Public shelters for victims of domestic violence were generally not accessible to trafficking victims. However, for the first time ever, the government released some foreign trafficking victims into IOM custody after a brief detention for processing, instead of keeping them in jail or immigration detention centers prior to deportation. IOM provided some psycho-social counseling to the victims. In July the government and some partners launched a publicity campaign for the attorney general's antitrafficking hot line. The hot line, in existence since 2005, was a resource for information on prevention of trafficking, as well as a mechanism for gathering tips and formal accusations.

In October the president established a National Commission against Trafficking in Persons to combat trafficking via interagency cooperation acting on a national plan. The commission agencies include the Ministries of Foreign Affairs, Interior and Police, Education, Tourism, Public Health, Women, and the National Council for Children.

The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, in coordination with the Ministries of Labor and Education, continued outreach training at schools around the country. The courses warned children of the dangers of alien smuggling, commercial sexual exploitation, and trafficking.

COIN and the IOM counseled women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other problems, including the dangers of trafficking, forced prostitution, and forced domestic servitude. COIN administered the Center for Health and Migration Information for Migrant Women, which carried out

community education campaigns in high-risk areas on these issues, as well as citizenship documentation and legal work requirements. With IOM support, COIN also provided a minimal level of clinical services and adult education classes for returned women.

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities, these individuals encountered discrimination in employment and in obtaining other services. The law provides for physical access for persons with disabilities to all new public and private buildings, but the authorities did not enforce this provision. The Dominican Association for Rehabilitation, which had 17 branches around the country, received a subsidy from the Ministry of Public Health to provide rehabilitation assistance to persons with disabilities.

Discrimination against persons with mental illness was common, and there were few resources dedicated to the mentally ill.

National/Racial/Ethnic Minorities

There was significant racial prejudice against persons of dark complexion, and the government did little to address the problem. Acts of discrimination were common, ranging from the petty to the more serious. In particular there were strong prejudices against Haitians, which disadvantaged many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of dark complexion. Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Darker-skinned persons reported being denied entry into stores, nightclubs, and restaurants. In July several foreigners were denied entry to a popular Santo Domingo nightclub, the Loft. The club had a history of selectively denying entry to persons with darker complexion and afro hair styles. In response to a protest from a foreign diplomatic mission, the foreign ministry issued a statement agreeing with the protest.

Local NGOs reported incidents where darker-skinned persons were denied access or services in banks, denied enrollment in private schools, and denied birth registrations in hospitals.

In their October visit, the UN Special Rapporteurs for Racism and the Rights of Minorities urged authorities to recognize the existence of racism and discriminations against minorities, adopt a national action plan to address the problem, revise a JCE rule that resulted in revocation of identity documents for Haitians, and cease mass repatriations of Haitians.

Haitians continued to immigrate to the country in search of economic opportunity, and the government repatriated many of them. Migration authorities and security forces conducted periodic sweeps throughout the year to locate and repatriate undocumented persons of Haitian descent. Some of those removed from the country reported that they were denied the opportunity to demonstrate that they were legal residents, to make arrangements for their families or property, or to express a credible fear of persecution or torture if returned to Haiti. Migration officials and security forces sometimes confiscated and destroyed expellees' residency documents. In some cases expellees with appropriate legal documents received permission to return.

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

Although human rights NGOs, the Catholic Church, and activists described living conditions in the bateyes as modern-day slavery, private sector enterprises in the sugar sector made improvements at some facilities during the year.

Other Societal Abuses and Discrimination

Persons with HIV/AIDS, particularly women, faced discrimination in the workplace and elsewhere. An estimated 80,000 to 222,000 persons in the country were infected with the disease. According to Human Rights Watch and Amnesty International, workers in many industries faced obligatory HIV testing in the workplace or when seeking medical care or medical insurance. Workers or patients found to have the disease could be fired from their jobs or denied adequate health care. Although the law prohibits the use of HIV testing to screen employees or for medical services unrelated to the disease, there were no known instances where this law was enforced, despite reports that official complaints had been filed.

Section 6 Worker Rights

a. The Right of Association

The law provides for the freedom to organize labor unions, and all workers, except the military and the police, were free to form and join unions of their choice. Organized labor represented an estimated 8 percent of the work force. The law calls for automatic recognition of a union if the government has not acted on its application within 30 days.

The law forbidding companies from firing union organizers or members was enforced inconsistently, and penalties were insufficient to deter employers from violating worker rights. There were reports of harassment and intimidation by employers in an effort to prevent union activity, especially in the free trade zones (FTZs), even though FTZ firms must comply with national labor legislation. The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported incidents of antiunion activity at the TOS Dominicana plant in Bonao. There were allegations that company management conducted a public campaign against union members and leaders, which included cash incentives or promotions in exchange for renouncing union membership and activity in an effort to forestall attainment of union membership sufficient to establish collective bargaining rights. In October a special commission of the Ministry of Labor determined that FEDOTRAZONAS had a majority of workers and that collective bargaining must occur. Although in December the owners initiated legal action against the ministry's determination and refused to participate in government-sponsored negotiations, they later withdrew the legal action and met informally with the union.

The International Trade Union Congress reported that workers at an agricultural export company in the north of the country had repeated requests to register their unions turned down, despite meeting the minimum requirement of 20 members. The company allegedly went on to make mass dismissals of 80 to 100 people at a time. The workers managed to obtain legal registration of the union; however, the company allegedly continued its antiunion campaign and discriminated openly against union members, who were forced to work overtime and were refused water and transport in and outside the fields.

b. The Right to Organize and Bargain Collectively

Collective bargaining is legal and must be used in firms in which a union has gained the support of an absolute majority of the workers. Few companies have collective bargaining pacts, and the International Labor Organization (ILO) considered the requirements for such pacts to be excessive and an impediment to collective bargaining.

The law establishes a system of labor courts for dealing with disputes. While cases made their way through the labor courts, the process was often long and cases remained pending for several years. A study by the Foundation for Institutionalism and Justice, a local NGO, showed that the average case resolution time was 15.3 months in courts of first instance and 16.4 months in appeals court.

Many participants reported that mediation facilitated by the Ministry of Labor was the most effective method for resolving worker-company disputes.

The law provides for the right of most workers to strike (and for private sector employers to lock out workers), but formal strikes were not common. Formal requirements for a strike include the support of an absolute majority of all company workers whether unionized or not, a prior attempt to resolve the conflict through mediation, written notification to the Ministry of Labor, and a 10-day waiting period following notification before proceeding with the strike.

Government workers and essential public service personnel are not allowed to strike.

A few labor unions represented a small number of Haitian workers, who are covered by the Labor Code regardless of legal status. Various NGOs reported that the majority of Haitian laborers in the agricultural and construction industries did not exercise their rights, fearing firing or deportation.

The Labor Code applies in the 57 established FTZs, which employed approximately 155,000 workers. According to the National Council of Labor Unions, unions were active in only eight companies in the FTZs, and only four unions had established collective bargaining rights. Workplace regulations and their enforcement in the FTZs did not differ from those in the country at large, although working conditions were sometimes better and the pay was occasionally higher. Mandatory overtime was a common practice.

There were reports of widespread covert intimidation by employers in the FTZs to prevent union activity. Unions in the FTZs reported that their members hesitated to discuss union activity at work, even during break time, for fear of losing their jobs. Some FTZ companies were accused of discharging workers who attempted to organize unions. The majority of the unions in the FTZs were affiliated with the National Federation of Free Trade Zone Workers or with FEDOTRAZONAS. FEDOTRAZONAS estimated that fewer than 10 percent of the workers in the FTZs were unionized. Many of the major manufacturers in the FTZs had voluntary codes of conduct that included worker rights protection clauses generally consistent with the ILO Declaration on Fundamental Principles and Rights at Work. However, workers were not always aware of such codes or of the principles they contained.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports of trafficking in children within the country. Mandatory overtime, a common practice, was sometimes enforced through locked doors or loss of pay or employment for those who refused.

d. Prohibition of Child Labor and Minimum Age for Employment

While the law prohibits employment of children younger than 14 years of age and places restrictions on the employment of children under the age of 16, child labor remained a serious problem, although there was evidence it lessened during the year. One NGO program reported that it successfully removed 8,449 children from exploitive labor conditions and prevented 16,990 children from entering the labor force. Regulations limited working hours of those between the ages of 14 and 16 to six hours per day, prohibited employment of those under the age of 18 in hazardous occupations or in establishments serving alcohol, and limited night work. Fines and legal sanctions may be applied to firms employing underage children. While the government effectively enforced these regulations in the formal sector, child labor was largely a problem in the informal sector beyond regulatory reach.

Child labor took place primarily in the informal economy, small businesses, private households, and agriculture. Children often accompanied their parents to work in agricultural fields, in part because parents had nowhere else to leave their children, since schools in the countryside were usually in session only for a few hours a day. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations.

There continued to be inconclusive evidence that poor Haitian families arranged for Dominican families to "adopt" and employ their children, in hopes of assuring a more promising future for them. The adoptive parents commonly considered the child as their own and sometimes provided the birth parents a monetary payment or a supply of clothes and food. In some cases adoptive parents reportedly did not treat the adopted children as full family members, expecting them to work in the households or family businesses rather than to attend school, which resulted in a kind of indentured servitude for children and adolescents.

The Ministry of Labor and other government institutions, as well as organizations from civil society, collaborated with the ILO's Program for the Elimination of Child Labor and other international labor rights organizations to continue programs combating child labor. These included programs to eliminate the employment of children in hazardous agriculture in rice-growing regions. The effort also included a program to combat the commercial sexual exploitation of minors in popular tourist destinations such as Boca Chica, Sosua, and Las Terrenas. These programs provided psychological support and medical assistance, returned children to classrooms, and reunited children with their families and communities whenever possible. The programs also provided legal assistance to child victims to arrest and convict exploiters.

The Ministry of Labor confirmed through site inspections that the sugar consortium's bateyes no longer used child labor on their property. A credible source, however, stated that child labor could still be found in these facilities.

The National Steering Committee against Child Labor's plan to eliminate the worst forms of child labor set objectives, identified priorities, and assigned responsibilities so that exploitive labor could be efficiently tackled and the number of child laborers significantly reduced by 2016. In 2006 the plan withdrew 2,079 children from the labor pool and prevented 1,330 children from engaging in exploitive labor, and phase two of the plan began in December.

The Ministries of Labor and Education continued to support the Combating Child Labor through Education program, which established several camps that hosted large numbers of children and adolescents.

There were no confirmed reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work

The executive branch sets minimum wage levels for public workers, and the National Salary Committee sets levels for the private sector, with the exception of workers in the FTZs and the sugar, construction, hotel, and shoe manufacturing industries. The minimum monthly salary was approximately \$139 (4,450 pesos) in the FTZs and \$200 (6,400 pesos) outside the FTZs. The minimum wage for the public sector was approximately \$81 (2,600 pesos) per month. The daily minimum wage for farm workers covered by minimum wage regulations was approximately \$4.70 (150 pesos), based on a 10-hour day. Cane workers were subject to a special, lower minimum wage for the sugar industry, \$2.50 (80 pesos) per day. The national minimum wage did not provide a decent standard of living for a worker and family.

The law establishes a standard work period of 44 hours per week and stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. The law provides for premium pay for overtime, which was mandatory at some firms in the FTZs.

On sugar plantations, cane cutters usually were paid by the weight of cane cut rather than the hours worked. Cane cutters suspected fraud by weighing station operators and noted that employers sometimes did not provide trucks or carts to transport the newly cut cane at the end of the workday, causing workers to receive lower compensation because the cane dried out overnight and weighed less. Company officials denied that there were delays in transporting cane, noting that any delay would be detrimental to their business operation. The amount of cane a worker could cut varied, but most young able-bodied workers were able to cut two to three tons of cane in a workday, yielding a daily wage of \$5.00 to \$7.50 (160 to 240 pesos). However, older, less able-bodied workers were only paid for the amount of the cane they actually cut, even if the amount was less than the minimum wage. In addition during the six-month off-season, workers in some sugar plantations who opted to remain in their communities were offered small jobs such as clearing land, which were generally insufficient to earn the legally mandated minimum wage.

Conditions for agricultural workers were poor. Workers in the sugarcane industry who lived in bateyes had inadequate schools, medical facilities, running water, and sewage systems. Employers in the sugar cane industry allegedly withheld a portion of wages to ensure that workers returned for the next harvest. Sugarcane workers often did not receive medical services or pensions due them even though deductions were taken from their pay.

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. Both the IDSS and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The Secretariat of Labor had 191 active inspectors. Workers complained that inspectors were not trained and did not respond to health and safety complaints. While the law requires that employers provide a safe working environment, in practice workers could not remove themselves from hazardous working situations without losing their jobs.

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