



Dominican Republic

Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 23, 2001

The Constitution provides for a popularly elected president and a bicameral Congress. President Hipolito Mejia of the Dominican Reform Party (PRD) took office on August 16 after a free and fair election, replacing President Leonel Fernandez of the Dominican Liberation Party (PLD). The PRD also has control of the Senate and Chamber of Deputies. The Constitution provides for an independent judiciary; however, interference from outside forces remains a problem. The Government took some steps to improve the ability of the judiciary to resist such outside interference.

The National Police (PN), the National Department of Investigations (DNI), the National Drug Control Directorate (DNCD), and the military (army, air force, and navy) form the security forces. The PN is under the Secretary of the Interior and Police; the military is under the Secretary of the Armed Forces; and the DNI and the DNCD, which have personnel from both the police and the military, report directly to the President. Although the security forces generally are responsive to civilian authority, there were instances in which members of the security forces, principally the National Police, acted independently of government authority or control. Members of the National Police, and to a more limited extent the military, continued to commit serious human rights abuses.

The economy, once heavily dependent on sugar and other agricultural exports, continues to diversify; tourism, telecommunications, and free trade zones (FTZ's) are major sources of income and employment. Remittances from abroad, estimated to exceed \$1.5 billion, are equivalent to approximately 9 percent of the \$2,100 per capita gross domestic product. The country's agricultural and tourism sectors and electrical power network largely have recovered from the effects of Hurricane Georges, which hit the island in 1998, while housing reconstruction and transportation infrastructure lag behind. The 1999 transfer of sugar mills to private control contributed to increasing poverty and joblessness in the bateyes (sugar cane shantytowns). Income distribution in the country is highly skewed, and according to the U.N. Development Program, the richest 10 percent of the population receives over 37 percent of the income, over 18 times that received by the most impoverished 10 percent of the population.

The Government's human rights record was poor, and serious problems remain. Police committed extrajudicial killings. The police, and to a lesser degree the military, tortured, beat, and otherwise abused detainees and prisoners. Police on several occasions used force to disperse demonstrators. There was a significant increase in allegations of physical abuse and torture of minors in police and military detention. Prison conditions ranged from poor to extremely harsh. Police arbitrarily arrested and detained suspects and suspects' relatives. The ability of prosecutors to limit police detentions and practices has eroded, as compared with 1999. While there have been some improvements in the efficiency of the judiciary, lengthy pretrial detention and long delays in trials remained problems. Police committed break-ins of private homes without judicial orders. The authorities rarely prosecute abusers, and at times members of the security forces commit abuses with the tacit acquiescence of the civil authorities, leading to a climate of impunity. Numerous allegations of corruption by government officials were raised following the change of administration. The authorities infringe on citizens' privacy rights. Members of the police harassed journalists. The Government at times pressured editors not to publish unfavorable items, and journalists practice self-censorship. The Government at times restricted freedom of assembly. The Government restricts the movement of and forcibly expels Haitian and Dominican-Haitian migrants. Violence and discrimination against women; prostitution, including child prostitution; abuse of children; discrimination against the disabled, discrimination against and abuse of Haitian migrants and their descendants, and child labor are serious problems. There continued to be reports of forced labor. Workers on the sugar plantations and mills continued to work in unsafe conditions. Trafficking in women and girls is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials; however, police committed at least 250 extrajudicial killings. It is difficult for any outside observer to quantify the exact number of victims of extrajudicial killings each year; included in this number are civilians who were killed in alleged "exchanges of gunfire" with police. The police fail to cooperate with civilian authorities in many ways, which made quantifying the problem very difficult. For example, the police do not provide Public Ministry officials with reports on investigations of citizens killed in confrontations with police; police rarely documented citizen killings in accordance with minimum investigations or crime scene standards; police denied civilian authorities, including prosecutors requesting information, transcripts of police tribunal hearings that process these cases in secret; and the police have been known to publicly fire officials involved in these incidents, only to reinstate them quietly later.

The Dominican Human Rights Committee and other observers state that the police may employ unwarranted deadly force against criminal suspects in a kind of uniformed vigilantism. In addition, some victims are involved in private disputes with police agents, while other victims later were found to be honest citizens erroneously caught up in the wave of antigang violence carried out by the police. The circumstances of the vast majority of these killings are questionable, but witnesses other than the police usually are lacking.

Extrajudicial killings stem from the lack of basic education, poor training, and weak discipline of the members of the police force. These problems are aggravated by low pay and the fact that the Government's budgetary allocation for the police is too low to support the higher recruiting standards needed and to provide adequate training for police. For example, new recruits fire only one round of ammunition during training, and there is no coherent policy on the use of deadly force or rules of engagement by the police. Additionally, the lack of professional, transparent, and credible investigation of the circumstances in which police kill citizens in "exchanges of gunfire" lead to the perception of impunity in these killings. Finally, there is a lack of specific training in human rights as applied to police work.

In the majority of the 250 deaths at the hands of police, the police characterized the victims as delinquents. The rest were wives, girlfriends, or associates of the officers, other civilians, or fellow officers. In most cases, the police claimed that the deaths resulted from the exchange of gunfire in the course of an arrest. Amnesty International's August report noted the large number of deaths at the hands of police and the lack of transparency in the investigative process. In October 1999, the Inter-American Commission on Human Rights (IACHR) issued a report that criticized the police for committing extrajudicial killings and neglecting to investigate and punish officers responsible for such abuses. Police assert that the deaths of so-called delinquents resulted from shoot-outs requiring the police to act in self-defense. However, a number of cases demonstrate that this often is not the case.

For example, on April 18, police shot and killed Antonio Lora Fernandez allegedly during questioning at the Isabela police substation of Puerto Plata.

In July in Manoguayabo, a suburb of Santo Domingo, police shot and killed Juan Expedito Garcia, a 49-year-old businessman who was traveling with his daughter-in-law, Katy Jimenez de Garcia. Garcia and Jimenez were victims of an attempted carjacking by a group of delinquents. The delinquents ultimately kidnaped the two and sped away, followed closely by the police. After being stopped by police, Garcia and Jimenez threw themselves to the ground, raised their hands, and told the police not to shoot because they themselves were victims. Jimenez, the only surviving witness, reported that the police shot Garcia four times in the head and three times in the body before shooting and killing one of the kidnapers. She overheard one officer giving the order to kill her as well, but was spared when she was able to explain the circumstances of their kidnaping. The police commission investigating the incident recommended that those responsible be tried in a military tribunal. At year's end, there was no public information about the investigation into this case.

In July witnesses, including the victim's sister, reported that police shot and killed 20-year-old Juan Jose Urena in Santo Domingo. The police said that Urena was wanted by the Secret Service and the Department of Homicide and Crimes against Property. They reported that when they tried to detain Urena, he threatened them with a machete, and they were forced to shoot him. The victim's sister, who saw the incident, said that he did not resist arrest, but that he already was wounded and handcuffed when the agents fired the shots that killed him. Urena's death at the hands of police led to public protests, tire burnings, and the throwing of Molotov cocktails. Police responded with tear gas and guns. The police shot a bystander in the leg as they tried to calm the protests (see Section 2.b.). The police officers who participated in the shooting of Urena were arrested

pending a police investigation.

On July 18, in Guayabin, on the northern border with Haiti, military agents shot and killed 6 Haitians and 1 Dominican citizen and wounded 13 others after they crossed the border illegally in a truck (see Section 2.d.).

On August 13, a 30-year-old Haitian died after soldiers took him into custody in La Canada, near Hondo Valle (see Section 2.d.).

On September 25, police killed two persons in separate incidents, 20-year-old Emilio Jose Matias Moronta and 23-year-old Lauri Mendez Sena, in Santo Domingo neighborhoods Villa Maria and Los Alcarizos, respectively. The local press reported that the police said that Moronta resisted arrest and threatened officers with a gun; however, an unidentified businessman claimed the police version was false and that the victim did not carry a firearm and was first wounded by the police in the leg. In the same press report, the police claimed Sena resisted arrest with a machete. At year's end, there was no public information about an investigation.

On November 15, police shot and killed Johnny Perdomo Santo, in the Santo Domingo neighborhood of Ozama. Police reported to the press that they followed Santo in a car, whose plates linked it to a history of crimes, and that Santo attempted to shoot at them. Santo reportedly died on the way to the hospital. Witnesses told the press there were a total of three victims, including a woman. They said two corpses were taken away in the police vehicle, and a third one was taken away in the victims' car. At year's end, there was no public information about an investigation into the facts of the case.

Military personnel killed a number of Haitian migrants who were attempting to enter the country (see Section 2.d.).

The administration of President Hipolito Mejia acknowledged the problems with the police apparatus and early in his administration agreed to the creation of a Police Reform Commission to be made up of the Chief of Police, the Attorney General, the Secretary of the Armed Forces, the Legal Advisor to the President, representatives of human rights organizations, and legislators. However, President Mejia retained the services of Chief of Police Pedro de Jesus Candelier, under whose tenure the number of deaths at the hands of the police rose significantly over previous years. At year's end, the Commission had not made public any recommendations, but the Secretary of Interior and Police indicated in early December that he would make public and open to public debate any contemplated reforms. In October the Attorney General publicly agreed to more aggressive independent investigation of extrajudicial killings. On December 7, the Supreme Court president urged judges to apply the full weight of the law in cases of violations of human rights.

Police courts may try police officers or may remand them to civilian court jurisdiction. Military courts try military personnel charged with extrajudicial killings or other crimes. Police Chief Candelier announced that every time an officer is involved in a questionable incident, the case goes to a commission of superior officers for investigation. He said that if it is determined that the police officer exceeded his authority, the case is sent to the police courts or to the civilian courts, depending on the severity of the offense. However, the police send very few--if any--cases to civilian courts, despite requests from the former Attorney General, District Attorney, and Justice Reform Commissioner. On September 4, six civil society groups submitted an "Act of Unconstitutionality" to the Supreme Court on the issue of the legality of Law 285, which encompasses the Code of Police Justice. Civil society groups argue that police courts violate the Constitution, and that they weaken the separation and independence of governmental functions, as well as the exclusivity of the judicial function in the administration of justice. The lawsuit asks the Court to rule on the constitutionality of these police tribunals; a decision was still pending at year's end.

State agents in prisons also committed extrajudicial killings. In the Najayo Prison in San Cristobal, police custodians shot and killed inmates Francisco Alberto Jaquez Brito, Manuel Sanchez Fermin, and Rafael Taversal Alberto in August during an escape attempt. A commission that included the Attorney General, the Chief of Police, and the Director of Prisons concluded that police agents acted negligently and in excess of their duties, and that the escapees could have been subdued by other means. The prisoners had not yet breached the exterior gates of the prison campus when they were shot and killed. The commission recommended that the three police cadets be tried in a police tribunal, and that three police supervisors be sanctioned with days in prison and "arrest without salary" for failing to control their subordinates and for failing to take an adequate count of prisoners. Human rights groups called for civilian trials for those responsible for the deaths of the prisoners.

There also were a number of deaths in prisons due to harsh conditions and official negligence (see Section 1.c.).

In July 1999, the authorities arrested a general, a colonel, a legal consultant, and various police officers in connection with the deaths of three alleged delinquents in Moca. In a civilian video, the police were shown handcuffing the three young men and placing them, alive, in the back of a police pickup truck. When the truck arrived at police headquarters, the three men were dead. A lower police tribunal reportedly tried, convicted, and sentenced officers Cesar Ovando Michell and Virgilio Severo Rodriguez to 2 years in prison, but a Police Appeals Tribunal later absolved the officers. The first-instance police tribunal discharged three other officers. In early November, the Attorney General asked Police Chief Candelier for a detailed report on the tribunal's proceedings, and said that he would investigate the possibility of reopening the case on a procedural appeal to the Supreme Court. Candelier said that he would not prevent such action; however, as of year's end, the case had not yet been presented to the Supreme Court.

In August a court sentenced Rafael Paredes de la Cruz, a former cadet in the National Police to 15 years in prison for the 1998 killing of Father Jose Antonio Tineo Nunez. The court found the other defendant, Juan Bautista Caminero Mendoza, not guilty.

There was no progress reported in trials of police officers detained for killing law student Franklin Bortolo Fabian Mejia in July 1998; for killing a suspected robber of a Santiago pharmacy, also in July 1998; or for the triple homicide in November 1998 of three young male victims who might have been killed because of their refusal to share the proceeds of a recent robbery with the police.

In August a court in Santo Domingo released the verdict in the case of the 1975 murder of journalist Orlando Martinez Howley, a critic of the Balaguer administration. Retired General Joaquin Pou Castro, former air force officer Mariano Cabrera Duran, and Luis Emilio de la Rosa Beras admitted to the killing and a court sentenced each of them to the maximum penalty of 30 years in prison. The court also awarded an indemnity of \$314,000 (5 million pesos) to Martinez's surviving brothers. Lawyers for the sentenced defendants say that they plan to appeal. Although several witnesses testified to the knowledge and complicity of former President Balaguer in the murder, he was not called to testify for health reasons.

In April violence at political rallies during the election campaign resulted in two deaths and several injuries when PRD bodyguards fired into the crowd at a political rally in Moca (see Section 3.)

b. Disappearance

There were no reports of politically motivated disappearances.

There was little progress in the investigation into the case of Narciso Gonzalez, a university professor and critic of the Balaguer government who disappeared in May 1994. According to the former District Attorney, there is not enough evidence to go to trial, and existing evidence is contradictory. There was no action during the year on the family's complaint to the Inter-American Court of Human Rights.

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

The Constitution and the law prohibit torture and other forms of physical abuse; however, security force personnel continue to torture, beat, and otherwise physically abuse detainees and prisoners. Lack of supervision, training, and accountability throughout the law enforcement and corrections systems exacerbate the problem of physical abuse. Human rights groups, the local press, and the President's Commission to Support the Reform and Modernization of Justice (Justice Reform Commission) reported regular and repeated occurrences of physical abuse of detainees while in custody. There was a significant increase in allegations of physical abuse and torture of minors in police and military detention.

In June the Justice Reform Commission reported cases of torture and abuse of at least nine minors in the police stations in Villas Agricolas, Los Farallones, Villa Francisca, and Plan Piloto in the national district. It cited numerous instances of beatings, sexual abuse, asphyxiation with plastic bags to elicit confessions, and a torture method called "roasting the chicken" in which the victim is placed over hot coals and turned until confessing. After completing an internal investigation, the National Police claimed that there were no instances of torture or abuse, and that if force was used, it was necessary to obtain the "obedience" of the minor. The Justice Reform Commission criticized the police for failing to conduct an objective investigation and for covering up serious abuses. As of September, the district attorney for Santo Domingo had made two requests to the Chief of Police that three officers be turned over for interrogation. Both of these requests were denied. An investigative judge was appointed to the cases, which were still pending in the Eighth Penal Court in Santo Domingo at year's end.

In August judges of the Appeals Court for Children and Adolescents in San Pedro de Macoris made public a

set of allegations of similar abuses committed against 19 minors in police stations in Juan Dolio and Boca Chica, as well as in the General Pedro Santana public jail, which is controlled by the army. One of the adolescent victims reported that the police beat him to force him to say "yes" to their questions; in the interrogation sessions, they hit him with the butts of their guns; they made him kneel and two officers at once hit him in the ears and kicked him; they hit him with a baton, and put him in a dark room where they applied an electric current to his body. The child reported that due to the marks these incidents left on his body, the police held him for 8 days before transferring him to the judge. The law requires that minor detainees be transferred to a judge within 24 hours. There is no information available regarding any investigation into these alleged abuses by the police or the military.

Homosexual and transvestite detainees report to gay rights advocates that during detention the police have held them in a darkened room and have given them the alternative of performing fellatio on guards or being placed in a locked cell with the most dangerous prisoners, where the detainees presumed that they would be raped, beaten, or both. Other informants confirmed that the police use the prospect of being locked in with the most dangerous prisoners as a threat.

The National Coordinator for Human Rights cited the Department of Homicide and Robbery Investigations and the DNCD for the persistent use of torture to extract confessions from detainees. According to human rights organizations, the method most often used is beating. After several former detainees went to the press in 1999 with credible reports that police interrogators had beaten them repeatedly, the Chief of Police and Attorney General designated a commission to investigate. The beatings allegedly took place during periods of detention of up to 15 days without arraignment before a judge (the Constitution permits only 48 hours). The informants reported that the police repeatedly awoke them during the night for questioning. Human rights advocates have described another form of abuse that guards reportedly use against prisoners in the Mexico section of San Pedro de Macoris Prison. Prison officials use a punishment called "the toaster", where prisoners are laid, shackled hand and foot, on a bed of hot asphalt for the entire day and are beaten with a club if they scream. The army administers San Pedro de Macoris prison.

The National District Prosecutor's office continued to place lawyers in high-volume police stations and in several DNCD offices to monitor the investigative process and to assure that detainees' rights are respected (see Section 1.d.). Most of the affected PN and DNCD investigators responded positively to this oversight, although some DNCD personnel reportedly complained that their hands were being tied. This initiative remains largely limited to the Santo Domingo metropolitan area, with a lesser presence in Santiago. There is some evidence that these assistant prosecutors at times acquiesce in traditional police practices, rather than attempt to raise these practices to constitutional standards. Less qualified prosecutors assigned to the rest of the country have not assumed strong roles in managing criminal investigations and ensuring the rights of suspects. Human rights courses are offered in the training curriculums for military and DNCD enlisted personnel and officers; however, the courses are optional. In October the Armed Forces Secretary inaugurated the Military Institute of Human Rights, located in Santiago.

Civilian prosecutors sometimes file charges against police and military officials alleging torture, physical abuse, and related crimes. A 1997 law provides penalties for torture and physical abuse, including sentences of from 10 to 15 years in prison. However, until recently these provisions were not known fully or applied by prosecutors and judges. There have been repeated calls by human rights groups as well as by the Justice Reform Commission for civilian trials of officials charged with abuse and torture; however, most cases, if tried at all, are sent to military or police tribunals.

Out of a police force of about 23,000 members, Police Chief Candelier fired 84, disarmed 200, and sent 100 officers for retraining during the first 6 months of the year as part of an effort to increase respect for human rights and discipline within the police force. He reported that many of the 84 were fired for drug use, including cocaine and marijuana. However, some discharged officers later were rehired. Significant problems also remain because serious efforts have not been made to vet police recruits. Many persons with prior criminal records reportedly have been incorporated into police ranks, either using false names or identification or with recommendations from other state institutions, such as the army.

The police at times forcibly dispersed demonstrators, using tear gas and weapons (see Sections 2.b. and 6.b.).

Prison conditions range from poor to extremely harsh. Reports of torture and mistreatment in prisons are common. The prisons are seriously overcrowded, health and sanitary conditions are poor, and some prisons are out of the control of the authorities. The General Directorate of Prisons falls under the authority of the Public Ministry and is seriously underfunded. Budget allocations for necessities such as food, medicines, and transportation were lacking. Medical care in all prisons suffers from a lack of supplies and available physicians. Prisoners immobilized by and dying of AIDS are not transferred to a hospital, but some terminal-stage inmates were released early to spend their last days at home.

In 32 prisons around the country with a total capacity of 9,000 persons, the police and the military hold more than 15,000 prisoners and detainees. The military controls 22 prisons with a total of 6,000 prisoners, and the National Police controls 10 prisons, with a total of 9,000 inmates. A warden is responsible for running each prison and reports to the Attorney General through the Directorate of Prisons. A police or military colonel (or lieutenant colonel), who is appointed for 3 to 6 months only, reports to the warden and is responsible for providing security. However, in practice the colonel is in charge of the prison, and neither the Directorate of Prisons nor the individual wardens have much power. According to credible reports, some prisons are totally out of the control of the authorities. They are, in effect, operated by armed inmates, who decide whether an individual gets food, space to sleep, or medical care. Individual inmates only can secure a tolerable level of existence by paying for it. Only those with considerable personal or family resources can do so.

Conditions at La Victoria prison, which is run by the National Police, pose a serious threat to life and health. In June this prison held over 3,500 prisoners in a facility built for 1,000. In March there was a serious fire at La Victoria in which 13 persons died, 44 suffered burns, and 20 others were injured. Inmates alleged that guards refused to open cell doors so that they could escape. At year's end, the Director of Prisons reported that an investigation had been conducted, and that those responsible were arrested and sent before a police tribunal. However, there was no public information on the trial's outcome.

The Barahona Commission for the Defense of Human Rights has criticized the conditions in the Barahona prison, which has 22 beds, but currently holds 586 inmates. In one cellblock, which has space for 32 persons, there are 145 inmates. The commission issued a report at mid-year, in which it described 52 Haitians imprisoned there as "practically kidnaped," and said that they have not been taken to their hearings. The Commission reported that the bathroom facilities amount to cesspools and that the authorities are indifferent to the lack of hygiene; prisoners do not receive medicine or medical attention, and many have tuberculosis and other diseases. They allegedly receive only one meal on Saturdays and no meals on Sundays.

A government food program for the general public is used to provide lunches at some prisons. The former Director of Prisons reported that his office had the budget to spend \$0.50 (8 pesos) per inmate to provide three meals per day. Inmates surveyed said that the food provided was unacceptable, and most chose to eat whatever they could beg for or purchase from persons in the vicinity of the prison or from family members. Due to inefficiency and corruption within the prison system, visitors often have to bribe prison guards in order to visit prisoners.

Female prisoners are separated from male inmates. In general, conditions in the female prison wings are superior to those found in male prison wings. There have been some reports of guards physically and sexually abusing female inmates. Female inmates, unlike their male counterparts, are prohibited from receiving conjugal visits. Those who deliver while incarcerated are permitted to keep their babies with them in prison until they reach 1 year of age.

In May in Rafey Prison in Santiago, guards beat six inmates with aluminum and wooden bats as they bathed in the rain in a courtyard of the prison. Two officials allegedly responsible for the beatings were said to have been tried in a police tribunal; however, there was no public information available about any investigation or trial.

The law requires that juveniles be detained separately from adults. However, recent press reports found a high incidence of juveniles who were detained with adult prisoners being forced into sexual servitude in return for protection at prisons around the country. Najayo prison has a new wing for juvenile offenders that holds 250 persons. Inmates are not separated by crime within the prison population; however, they may be put into solitary confinement for disturbances while incarcerated.

The Government permits prison visits by independent human rights monitors and by the press.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution provides for the security of the individual against imprisonment without legal process, bars detention beyond 48 hours without the detainee being presented before judicial authorities, and prohibits custodial authorities from not presenting detainees when requested. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. However, the security forces continued to violate constitutional provisions by detaining suspects for investigation or interrogation beyond the prescribed 48-hour limit. The police traditionally detain all suspects and witnesses in a crime and use the investigative process to determine who are innocent and merit release, and who they should continue to hold. After the prosecutor's office placed its lawyers in several police stations in 1997, the police began to curtail the practice of arbitrary detention in those precincts. However, progress has been slow (see Section 1.c.), and this program has been limited for the most part to the Santo Domingo metropolitan area. During the year, no new prosecutors were placed in police stations, and the effectiveness

against human rights abuses of those working in police stations cannot be discerned accurately.

The prosecutor for the Court of Appeals in Santiago reported that the Department of Investigation of Homicide and Robbery of the National Police, Northern Command, routinely detained persons beyond the 48-hour limit. Detainees at police headquarters in Santo Domingo, known as "the palace," reported that they were held for 15 to 21 days. Juveniles held at the Department for Minors at the Villa Juana Police Station commonly are held for 8 to 14 days, well beyond the 24-hour limit for minors. The official in charge of the Department for Minors attributes this to lack of swift action by the Juvenile Defender, the Public Ministry official in charge of interrogating minors and sending them before a Juvenile Court judge. By law juveniles may not be interrogated by the police or in the presence of police.

The police continued the practice of making frequent sweeps or roundups in low-income, high-crime communities in which they arrest and detain individuals arbitrarily. The alleged objective of the roundups is to fight delinquency. Following the indiscriminate arrests, the police regularly detain individuals for up to 20 days or more, while they look for a reason to charge them with a crime. For example, on September 23-24, police arrested 900 persons around the country in 1 weekend with the objective of "preventing the commission of crimes" and "maintaining order and peace." They also took possession of property including motorcycles, other vehicles, and weapons. Human rights organizations report that individuals detained in these roundups frequently are beaten. The police say that they rely upon unlawful detention without presentation to a court because some cases involve more complicated investigations. However, there is a clear pattern of the police arresting individuals before investigating a crime thoroughly, and relying on confessions to make their case. Without the education, training, or equipment to conduct modern forensic investigations, police rely instead on holding suspects incommunicado (see Section 1.e.), repeatedly questioning them, and sometimes beating them, until they confess. Prosecutors who are assigned to monitor the criminal investigation phase at police stations appear to be unable to control the practice (see Section 1.c.).

A related problem is the police practice of arresting and detaining individuals solely because of their familial or marital relationship to a suspect. A suspect's parents, siblings, or spouse are all vulnerable to this practice, the goal of which is to compel an at-large suspect to give himself up or to coerce a confession from one already arrested. In 1999 the PN chief had ordered that this practice be ended immediately; however, it continued. According to the Dominican Human Rights Committee, there were several reports of detentions of suspects' relatives during the year.

Local human rights organizations have reported on and criticized police roundups of Haitian and Dominican-Haitian construction workers. Officials allegedly take groups of dark-skinned or "Haitian-looking" individuals to empty buildings soon after they are paid, in order to extort money from them. One worker reported that he was beaten frequently, and that many of his paychecks were taken during these roundups. He said that the license plates are removed from the official police vehicles so that the perpetrators cannot be identified easily.

Many suspects suffer long pretrial detention. In November over 83 percent of the national prison population was awaiting trial, 11 percent higher than in 1999; of these, about three-quarters were "prisoners without sentences," and the remainder had convictions under appeal. However, while suspects nationwide still suffer long pretrial detention, judicial statistics show reduced delays for the last 3 years in the Santo Domingo National District (an area that accounts for approximately 45 percent of all criminal cases in the country). The average pretrial detention throughout the country is more than 6 months.

Due to the historical inefficiency of the courts (see Section 1.e.), the granting of bail serves as the de facto criminal justice system. As a rule, defendants awarded bail rarely face an actual trial. (Time already served counts toward a sentence.) This situation improved somewhat as a result of the steps taken by the former Santo Domingo District Attorney and the judiciary, in cooperation with the Director of Prisons, to introduce a prisoner registry system that focuses on providing timely trials for prisoners. The failure of prison authorities to produce the accused caused a significant percentage of trial postponements. Authorities held some prisoners even though there were no formal charges against them, and kept some prisoners jailed even after a court ordered their release. One prisoner held in Najayo Prison was charged with swindling over 4 years ago. The maximum penalty for this crime is 3 years; however, the prisoner was never tried or convicted. His case finally was dismissed in August. In October the Attorney General proposed a program to reduce prison crowding by releasing inmates who only were held pending payment of a fine. Large numbers of prisoners are generally pardoned at the end of the year. In early December, prison authorities paroled 80 elderly (75 years or older) persons, 90 terminally ill prisoners, and 150 inmates who have finished sentences, but cannot pay their fines.

Notable advances also were made by the new Mejia administration to increase the availability of free legal services to the poor. Most detainees and prisoners cannot afford adequate defense services. There were 12 new public defenders added, bringing the total to 31 throughout the country. A bill to create a national public defender program was pending in Congress at year's end.

Hoguisten Canji, a 33-year-old Haitian, spent 9 years in prison without an official charge and without ever being presented to a judicial officer. His case finally came to the attention of the Public Defender Program, which ultimately obtained his release on January 14 on a writ of habeas corpus. His attorney noted that there was no official file on the case, no name of the person that he allegedly murdered in 1991, and no order for preventive detention. A Public Defender Program attorney also defended Hector Manuel Reyes, who spent 17 years behind bars for a murder for which he had never been convicted. The authorities had lost his case file. Reyes was released on March 20. Officials acknowledge that there may be hundreds of such cases in the prison system.

The law prohibits forced exile, and there were no reports of its use. However, persons who credibly asserted that they were citizens sometimes were expelled to Haiti (see Sections 1.f. and 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, attempts by public and private entities, including the executive branch, to undermine judicial independence still remain. The judiciary appears better equipped to resist such outside interference, due in part to training funded by foreign technical assistance. Court officials also began to implement new selection criteria for judges. The National Judiciary Council chooses members of the Supreme Court, with the goal of ensuring independence from the executive and legislative branches, and some progress has been made.

The judiciary, based primarily on the Napoleonic Code, includes a 16-member Supreme Court, appeals courts, courts of first instance, and justices of the peace. There are also specialized courts that handle administrative, labor, land, and juvenile matters.

Military or police courts have jurisdiction over members of the security forces. However, civil society groups challenged this system in a Supreme Court case filed in August (see Section 1.a.). Public pressure exists for military or police boards to remand cases involving serious crimes to civilian courts for review; however, there is no information that any such cases were remanded during the year. In other cases, civil authorities have requested that the PN turn over their files so that cases of suspected extrajudicial killings might be evaluated independently for possible prosecution. There was little cooperation from the National Police or military in requested investigations during the year (see Section 1.c.).

Judges, rather than juries, render all verdicts. Under the 1994 constitutional amendments, which entered into force in August 1998, the Supreme Court is responsible for naming all lower-court judges in accordance with a judicial career law. The National Judiciary Council selects new justices of the Supreme Court. The Council consists of the President, the President of the Senate, the President of the Chamber of Deputies, two at-large members designated by them (one Senator and one Deputy, from parties different than those of the presidents of the Senate and Chamber), the President of the Supreme Court, and one other justice designated by the Supreme Court.

Following the commission of a crime, the criminal process begins with the arrest of possible suspects. During the investigative phase, suspects are questioned repeatedly and urged to confess. The Constitution provides for the right not to be arrested without judicial warrant except in cases where the suspect is caught in the act; the right not to be deprived of liberty without trial or legal formalities, or for reasons other than those provided by law; the right to be presented to a competent judicial authority within 48 hours of one's detention; the right not to be a witness against oneself; and the right to a defense in an impartial and public trial. These rights commonly are disregarded.

The most serious and common violation of these rights occurs when police detain suspects, sometimes for many days, without giving them access to a telephone call to family while subjecting them to frequent questioning. Although accused persons are entitled to have an attorney present, they often are not permitted to call one or, if one arrives, the attorney is not permitted to be present during the questioning. (The police complain that the presence of attorneys interferes with their investigations.) Torture frequently is used as a method to extract a confession during questioning (see Section 1.c.). Under these circumstances, suspects may confess to acts that they did not commit merely to get relief from the intense questioning and the detention. The results of these interrogations frequently form the only evidence presented at the trial.

The law provides for the remedy of "Amparo," an action any citizen may bring for violation of a constitutional right, in accordance with the terms of the Inter-American Convention on Human Rights. This action includes violations by judicial officials. The process of dispute resolution, including reconciliation, mediation, and arbitration, continues to be used as an alternative to trial and incarceration.

There remains a large backlog of criminal cases in the National District and throughout the country. The Supreme Court's plan to unclog the court dockets has been frustrated by the Government's failure to allocate sufficient funds. Dockets are crowded with traffic infractions that should be heard in the traffic courts provided for by statute; due to a lack of funds, the traffic courts have not been set up. Other complications in clearing the backlog arise from the exhaustion of funds for transporting prisoners to court; many cases must be sent back when the accused does not appear. The Government has not yet established 25 additional courts provided for by law.

Throughout the year, there were improvements in the administration of justice that resulted from cooperation between the judiciary and the Santo Domingo district attorney's office. New cases unnecessarily congesting the criminal system were reduced by more than 50 percent through use of community conciliation centers, and investigative judge rulings increased by 65 percent in the last 2 years. The courts' efforts to improve productivity of judges was notable: the number of definitive (final) sentences quadrupled over the past 3 years and time to trial was reduced from an average of 11.8 to 6.5 months. It is not yet clear how the change of 90 percent of Public Ministry officials in August will affect the changes introduced by the previous administration.

The judicial training school trained 530 judges (out of a total of 585) on drafting and structuring sentences in its first cycle. The school prepared a computer seminar on fundamental constitutional protections with four modules for judges on human rights. In October it held a seminar on domestic violence and a seminar on judicial ethics for 200 judges. A dialog among 500 judicial and civil society representatives created a judicial code of ethics.

There were no reports of political prisoners.

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

The Constitution contains provisions against arbitrary entrance of one's home; however, police sometimes break into private quarters without cause to search for suspects, and the authorities infringe on citizens' privacy rights in other ways as well. Although the Government denies arbitrary use of wiretapping or other surreptitious methods to interfere with the private lives of persons or families, it has not taken necessary steps to dismantle an active private wiretapping industry.

The law permits the arrest of a suspect caught in the act of committing a crime, and police may enter a residence or business in pursuit of such suspects. Otherwise judges must authorize arrests and issue search warrants. However, the PN and occasionally the DNCD continued to violate these requirements. Some prosecutors confessed that out of "tactical necessity to combat criminality" and "with great reluctance," they tolerated the illegal search practices. They justified their actions by arguing that the Government has not provided sufficient resources or attention to criminal investigation and that, given the cumbersome and antiquated criminal procedures, adhering to the letter of the law would make law enforcement nearly impossible.

The Dominican Human Rights Committee reported that police carried out raids on private homes in the Santo Domingo neighborhoods of Caputillo, Villa Agricola, Los Alcarrazos, and Guachupita; police allegedly went into homes without search warrants to look for delinquents.

The police continued to detain relatives and friends of suspects to try to compel suspects to surrender or to confess (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for these freedoms, and the Government generally respected them in practice; however, there were some isolated exceptions. For example, there were isolated instances of government pressure on editors not to publish certain unfavorable items, such as negative poll results.

Citizens of all political persuasions exercise freedom of speech. Newspapers and magazines freely present a diversity of opinion and criticism; there are eight daily and seven weekly newspapers, and three weekly magazines. However, journalists and editors practice self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners.

The National Press Union criticized police treatment of journalist and union secretary Paul Meguis Jose in

April. Jose was following a story in Batey Central in Barahona when a police officer shoved him, threw his camera on the ground, and then confiscated it. A police tribunal found the official guilty of an infraction, and ordered that he serve 10 days in prison. In San Francisco de Macoris, police smashed the camera of La Nacion newspaper reporter Julio Benzant. DNI agents arrested and mistreated Jose Rivas, a reporter for the daily newspaper Hoy, during his coverage of the return of Mario Duran Cabrera, one of the defendants in the Orlando Martinez case (see Section 1.a.). The Dominican Human Rights Committee criticized the detention of journalist Robert Vargas, of the Spanish news agency (EFE), and the unlawful search of his residence carried out by police as an attempt to intimidate him for his reporting on human rights issues.

Numerous privately owned radio and television stations broadcast all political points of view. The Government controls one television station.

In September the National Press Union criticized the violation of freedom of expression by the director of the government-owned Dominican Radio and Television for canceling an FM radio program. The director of the station arrived with a group of military officers to interrupt the broadcast and said that the program served as a forum to criticize the Government of President Mejia. The union complained that this cancellation occurred only days after installation of the new Government and asserted that the station director should have discussed the program with its producers if he disagreed with its content.

In November the National Press Union reported that PRD leaders, including one from the Secretariat of Youth and another from the National Lottery, beat a journalist in Hato Mayo, who broadcast a radio program critical of the PRD. In the same month, in Moca, a provincial official of the Secretariat of Education punched a correspondent of the daily newspaper El Nacional when he asked the official about problems with the national school lunch program. Also in November, a correspondent from the El Siglo newspaper was sued for slander and detained for 2 days after he denounced the cutting of trees ordered by the vice mayor of Constanza. The charges later were dropped.

Public and private universities enjoy broad academic freedom. The main public university, the Autonomous University of Santo Domingo, with approximately 100,000 mostly part-time students, has few restrictions on enrollment and maintains a policy of nonintervention (other than on curriculum development) in classroom affairs. The Government exerts no control over private universities, except for the preservation of standards, and teachers are free to espouse their own theories without government oversight.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and the Government generally respects this right in practice; however, there were some exceptions, and the Government at times restricted this right. Outdoor public marches and meetings require permits, which the Government usually grants; however, the police used force to break up demonstrations on several occasions throughout the year. The Government responded with force to disperse demonstrators calling for completion of public works projects, opposing evictions, or supporting a strike. During transportation strikes in the first 4 months of the year, police used force to disperse union members; others were arrested and detained without charges for several days.

The police used force to disperse demonstrators. News reports and human rights organizations criticized the manner in which police used force to disperse demonstrators in Batey 5 in Barahona in mid-year. Protesters gathered to call for compliance with a promise to finish installation of electricity made 4 years ago by the governor of the province. There were reports that police indiscriminately launched tear gas into homes; several children had to be taken to hospitals due to the effects of the gas. According to the Dominican Human Rights Committee, the police on several other occasions used force to remove squatters from Punta Villa Mella, Valiente, La Toronja, and Vallo Lindo, state-owned lands near the national district (Santo Domingo and environs).

In a December interview with the newspaper Hoy, the Secretary of Interior and Police admitted that the police committed abuses when responding to several public marches and demonstrations in late November. These protests were largely in response to the Government's package of economic proposals. On November 16, a police lieutenant and four others were wounded by bullets and rocks in the confrontation between high school students and police in the town of Licey. National news media reported that the police repelled the students with tear gas. Student leaders told reporters that the police came into the school and arrested and beat several students. The police have promised an investigation into the protests.

On November 24, former President Leonel Fernandez and numerous other PLD leaders were involved in confrontations with the police when the PLD officials marched to the offices of the Public Ministry to protest the arrest of four high-level PLD members on corruption charges. The police used tear gas against the marchers and prevented Fernandez from entering the building. He and several others were overcome by the gas and

taken to nearby hospitals.

On November 29, the "black helmet" unit of the police interrupted a march to the National Palace by groups of student, chauffeur, and social organizations who were also protesting the economic reform package. Police repelled demonstrators with tear gas and rubber bullets and detained more than 170 demonstrators. Organizers of the demonstration, including Human Rights Committee president Virgilio Almanzar, claimed that the police denied their right to freedom of assembly.

There were no reports of the use of the criminal charge "association with criminal elements" to stifle political dissent this year. Under former President Balaguer, the authorities traditionally used this charge against dissidents and those involved in street demonstrations against the Government.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties frequently affiliate with their foreign counterpart organizations. Professional organizations of lawyers, doctors, teachers, and others function freely and can maintain relationships with counterpart organizations.

c. Freedom of Religion

The Constitution prohibits discrimination on religious grounds, and many religions and denominations are active. The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

The Catholic Church, which signed a concordat with the Government in 1954, enjoys special privileges not extended to other religions. These include the use of public funds to underwrite some church expenses, such as rehabilitation of church facilities, and a complete waiver of customs duties when importing goods into the country. The attendance at Catholic Mass for members of the National Police is compulsory.

In July then-President Fernandez signed a law making Bible reading in public schools obligatory. This new law added Bible reading to the weekly flag raising and singing of the national anthem in public schools. Private schools are not obliged to include Bible reading as part of their weekly activities.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of travel, except for limitations imposed under judicial sentence, or police regulations for immigration and health reasons, and the Government generally respects these provisions in practice; however, there were some exceptions. Citizens face no unusual legal restrictions on travel within or outside the country. Local and international human rights groups cited discrimination against Haitian migrants, whom they said were subject to arbitrary and unilateral action by the authorities.

Haitians continue to migrate in great numbers to the Dominican Republic, some legally but most without legal documents, in search of economic opportunity. Some illegal migration is assisted or sanctioned indirectly by the authorities, especially by police and military in the border areas, who profit from the illegal traffic. Throughout the year, the security forces, particularly the army, repatriated undocumented Haitian nationals believed to be in the country illegally. In December the Directorate of Migration reported that 12,500 Haitians were repatriated during the year; however, a later report issued by the armed forces stated that they had deported 36,362 Haitians between August 16 and the end of the year.

In many cases, the Government denied those deported the opportunity to demonstrate that they were legal residents in the country or to make arrangements for their families or property. Haitian Government officials complained that Haitians often were detained with little or no food and then deported without timely notice to the Haitian authorities. Human rights organizations and the media continued to report many instances of violent treatment of Haitian migrants by the authorities.

On July 18, in Guayabin, on the northern border with Haiti, military agents shot and killed 6 Haitians and 1 Dominican citizen and wounded 13 others after they crossed the border illegally in a truck. The truck had sped through several military checkpoints, and members of the military pursued it until it crashed. Controversy exists as to whether the military personnel knew that the truck was filled with immigrants when they fired at it. A Commission with members from Haiti and the Dominican Republic was established to investigate the incident. The officers reportedly were tried in a military court, given letters of reprimand, and returned to military service.

On August 13, a 30-year-old Haitian died after he was taken into custody by soldiers in La Canada, near

Hondo Valle, a border town. According to newspaper reports, he entered the country illegally and was detained along with two other illegal migrants; soldiers allegedly beat him to death. The Commander of the Third Brigade of the army arrested the soldiers involved in the homicide and promised a quick investigation.

On November 7, soldiers in the Department of Border Investigation Operations shot and killed a Haitian under questionable circumstances at the Elias Pina border crossing point. Investigations of killings of civilians at the hands of military, similar to killings at the hands of police, lack transparency. At year's end, there was no information about an investigation into this case.

On March 6, the IACHR held a hearing in two 1997 cases of two Dominican-born children who have been denied birth registrations. The mothers of both children are Dominican citizens of Haitian descent. The law in question is Law 6-59 on Civil Records, and the legal issue in the case is the denial of the right to register a late declaration of birth. The cases were still pending at year's end.

On August 8, the Inter-American Court of Human Rights heard a case presented by the Dominican Center for Justice and International Law (CEJIL), Dominicans 2000, Human Rights Watch, the International Human Rights Law Clinic, and other international human rights organizations, alleging that massive expulsions, repatriations, and deportations of Haitians and Dominican-Haitians by the Government violated international human rights law. The Inter-American Court considered general concerns about "mass expulsions" and "forced repatriations" carried out by the Ministry of Interior and Police, as well as nine individual cases of persons who allegedly were expelled forcibly without opportunity for due process. The Court did not address the case of the six Haitians killed in Guayabin.

On August 18, the Court rendered its decision, laying out "provisional measures" for the future treatment of Haitians, and specific relief and protection of the nine individuals. It did not require immediate broad-based accountability of the migration authorities for enforcement of border agreements reached with Haiti in December 1999. These agreements set out a systematized deportation procedure in which Haitian authorities would be advised of potential deportations, deportees would be given opportunities for legal hearings (to present proof of legal status in the country), as well as opportunities to advise family members and collect belongings. Rather, the Court requested that the Government provide more detailed information about the condition of individuals in the border "bateyes" (shantytowns) who potentially are subject to forced expulsions. It also asked for a government report every 2 months on provisional measures that are expected to be adopted to comply with the Court's decision.

The ongoing process of repatriating Haitian citizens did not diminish after the Court's decision in August. NGO representatives working in rural areas reported that decisions to deport often were made by lower ranking members of the security forces, sometimes based upon the racial characteristics of the deportees. The Director of Migration stated that the process of rounding up illegal Haitians is performed by the rank and file of the armed forces and migration officers. They approach persons who look like Haitians, including persons who have very dark complexions and fairly poor clothing. They engage them in conversation about their work and residence, mainly to check their use of Spanish and any accent they may have. If such persons speak Spanish poorly or with a noticeable accent, they generally are detained and deported.

The Haitian Government protested the failure to give detainees an opportunity for a hearing on their claim of citizenship or right to residence, although it acknowledges the Government's right to deport those individuals who are illegal aliens. NGO's and Catholic priests familiar with the process also have protested that children born of one or two Haitian parents in the Dominican Republic, heretofore denied registration as Dominican citizens, frequently are among those deported as illegal Haitians.

While the Government has a policy of strictly enforcing documentary requirements and repatriation for those found lacking, it appears to have an unofficial policy that is more tolerant, which is fueled by the reality of dependence on Haitian labor for certain agricultural and construction work. Thus, after being stopped as a suspected illegal Haitian migrant, an individual may be allowed to remain in the country despite his lack of documents if his story about work satisfies the official who stopped him. NGO's have reported corruption among the military and migration border officials, and noted that these officials sometimes cooperate with the transit of Haitian workers into the country. However, in December the Director of Migration reported that the need for Haitian labor is generally filled by Haitian migrants already in the country.

According to a 1984 presidential decree, an applicant for refugee status must be referred to the Technical Subcommittee of the National Commission for Refugees by the National Office of Refugee Affairs. The Subcommittee, which makes a recommendation to the Commission, is made up of members from the Foreign Ministry, the DNI, and the Immigration Directorate. The Commission, which makes a final decision on the application, consists of the three members of the Subcommittee; the legal advisor to the President; and members of the PN, the Ministry of Labor, and the Attorney General's office. There is no functioning National

Office of Refugee Affairs, and the National Commission for Refugees, an office of the Foreign Ministry, has not met since 1993. However, the Subcommittee makes recommendations, and the Immigration Directorate issues documentation to refugees certified as such by the U.N. High Commissioner for Refugees (UNHCR). While these documents are accepted routinely by the police and immigration officials, the process by which they are issued does not comply with the decree. During the year, 43 refugee applications (30 of which were from Haitians) were submitted. Of those, the UNHCR recognized 14 and refused 5; 17 were pending and 5 were abandoned. There were no reports of repatriation or refoulement of persons claiming refugee status.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum and resettlement. There were several cases in which the Government offered political asylum to refugees and their families fleeing war-torn countries.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully through periodic elections. Citizens exercised this right in free and fair presidential elections in May. Voters gave the PRD 49.87 percent of the vote, while the DLP received 24.94 percent, and the Social Christian Reform Party (PRSC) received 24.6 percent of the vote. The Constitution requires 50 percent plus one vote for a candidate to be elected to the presidency; however, if the second-place candidate concedes, as happened in May, the Central Electoral Board (JCE) may declare the first-place candidate the winner without a second round of elections.

The President and all 179 members of the Senate and the Chamber of Deputies are elected freely every 4 years by secret ballot. There is universal adult suffrage; however, active duty police and military personnel may not vote. In practice, voting is limited to those persons who can show a national identity document, which requires that their births were registered properly by their parents.

There was a significant controversy about the ability of the JCE to issue new national identity cards to the voting population prior to the May elections, and there were serious allegations by the PRD that the PLD intentionally was sabotaging its supporters' ability to vote. Ultimately, the Board was able to issue cards to most voters who applied for them. However, there were numerous reports, including allegations by supporters of the PRD, that identity cards were being taken or "bought" from dark-skinned individuals so that they would not exercise their right to vote.

Election campaigning was relatively peaceful, although there were isolated instances of violence. On April 29, two PLD activists were killed in Moca during a PRD campaign rally. PLD members claimed that PRD supporters shot into a group of PLD flag wavers. In contrast, PRD supporters argued that PLD opposition members were trying to "ambush" their presidential candidate's motorcade. There was also political violence in San Pedro de Macoris at the end of April in which a vice mayor and secretary general of the PRD were wounded by gunfire when their party was carrying out a medical mission in one of the neighborhoods. During the August 16 election, an argument between political rivals reportedly led to the fatal shooting of an unidentified man in San Juan de la Maguana.

The nation has a functioning multiparty system. Opposition groups of the left, right, and center operate openly. The President often dominates public policy formulation and implementation. He can exercise his authority through the use of the veto, discretion to act by decree, and influence as the leader of his party. Traditionally, the President has predominant power in the Government, effectively making many important decisions by decree. Former President Fernandez reduced the reliance on rule by decree during his administration. The President appoints the governors of the 29 provinces.

Congress provides an open forum for the free exchange of views and debate. The main opposition party is the PLD, which holds 4 of 30 seats in the upper house and 49 of 149 seats in the lower house. A third major party, the PRSC of former President Balaguer, contests all elections; various smaller parties are certified to contest provincial and national elections.

The JCE conducts all elections. In April 1999, the leading political parties agreed that the Congress should approve legislation expanding the JCE from five to seven members until after the May presidential elections. The PLD and the PRSC each nominated one new member to join the board.

There were no reports of disturbances surrounding the Dominican Municipal League (LMD). It functioned normally, albeit with diminished legitimacy, due to the exclusion of PRD candidates from the 1999 election for LMD president.

Women and minorities confront no serious legal impediments to political participation; however, they are underrepresented in government and politics. By law parties must reserve 33 percent of positions on voting lists for women; a proportion that is to increase to 40 percent in 2002. However, the parties often place women so low on the lists as to make their election difficult or impossible. With the election of former Senator Milagros Ortiz-Bosch to the vice-presidency, there is only 1 woman in the 30-member Senate; women hold 24 seats in the 149-member Chamber of Deputies. Women continue to be represented in appointed positions, albeit to a limited degree. The President of the Chamber of Deputies is a woman, as are two cabinet secretaries. Women fill 5 of the 15 seats on the Supreme Court.

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

Nongovernmental human rights organizations generally operate freely without government interference. In addition to the Dominican Human Rights Committee, the National Human Rights Commission, and the nongovernmental Truth Commission (dealing with the Narciso Gonzalez case), several Haitian, church, women's, and labor groups exist.

The Government established the Reform Commissions for the police and armed forces in the latter part of the year, and allowed limited civil society or NGO representation. The most credible human rights and civil society organizations are not represented. At year's end, there was no public information available nor discussion in civil society about the objectives of the two reform commissions.

There is no ombudsman's office. However, at year's end, legislation was pending in Congress to create a human rights ombudsman's office as well as a special prosecutor for human rights abuses.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on race and sex; however, such discrimination exists, the Government seldom acknowledges its existence or makes efforts to combat it.

Women

Domestic violence is widespread. Under the 1997 Law Against Domestic Violence, the State can prosecute for rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one year to 30 years in prison, and have fines ranging from \$30 to \$6,000 (500 to 100,000 pesos). The State can prosecute a suspect for rape even if the victim does not file charges. This law also allows a rape victim to press charges against her husband without having her marriage annulled. The Secretariat of Women, as well as various NGO's, have outreach programs on domestic violence and legal rights. In 1998 the Government opened a center in Villa Juana (National District) for the legal support and forensic examination of abused women, which handled 35 to 50 cases per day in its first year. Since its opening, it has handled over 7,000 cases and now averages 60 to 90 cases per day. Due to the success of this first center, the Government opened two additional centers during the year in San Francisco de Macoris and Santiago. The Ministry of Women has begun a project, in coordination with a local NGO, to open a fourth Services Center for Victims of Domestic Violence in San Cristobal. At year's end, there were still no shelters for battered women.

Rape is a serious problem and is believed to be widely underreported. From January through October, the Santo Domingo district attorney's office received only 203 reports of rape in the National District. The penalties for committing rape are 10 to 15 years in prison and a fine of \$6,097 to \$12,195 (100,000 to 200,000 pesos). Victims often do 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. The police are reluctant to handle rape cases and often encourage victims to seek assistance from NGO's.

Sexual harassment is widespread.

Prostitution is illegal; however, the Government does not enforce vigorously prostitution laws, except in cases involving child prostitution and international trafficking in women and girls, which is a serious problem (see Sections 6.c. and 6.f.). Sex tourism is a growing industry throughout the country as the number of international visitors increases. NGO's have ongoing HIV/AIDS and sexually transmitted disease prevention programs for male and female prostitutes, as well as for hotel and industrial zone workers. The 1997 Domestic Violence Law prohibits acting as an intermediary in a transaction of prostitution, and the Government has used the law to prosecute third parties that derive profit from prostitution.

Divorce is easily obtainable by either spouse, and women can hold property in their own names apart from

their husbands. Traditionally, women have not shared equal social and economic status or opportunity with men, and men hold the majority of leadership positions in all sectors. In many instances women are paid less than men in jobs of equal content and equal skill level. Some employers reportedly give pregnancy tests to women before hiring them, as part of a required medical examination. Union leaders and human rights advocates report that pregnant women often are not hired.

Children

Despite the existence of government institutions dedicated to child welfare, private social and religious organizations carry the principal burden. The Oversight Organization for the Protection of Children, created by the executive branch, is the primary government institution covering issues of child welfare. Private institutions receive 35 to 40 percent of the budget of the Oversight Organization. The Mejia administration created a new Ministry of Youth soon after the election.

The 1994 Minor's Code requires 8 years of formal education. The Oversight Organization works with NGO's, law enforcement personnel, and the general public to publicize children's rights. In the National District, the Department of Family and Children, in the Office of the Prosecutor, administers the Minor's Code and arranges conciliation of family conflicts to execute court decisions with respect to child protection, and to interview children whose rights have been violated.

Abuse, including physical, sexual, and psychological, is the most serious human rights violation affecting children. The Department of Family and Children estimates that 50 percent of the children in the country are victims of some sort of abuse. No statistics were available from the National Police's Department of Sexual Abuse regarding rapes of children between 4 and 11 years of age, and few such cases reached the courts. In 50 percent of the cases, the accused is a person close to the child: a father, grandfather, uncle, brother, cousin, or close family friend. The criminal law provision on sexual abuse and intrafamily violence provides for a penalty of 10 to 20 years incarceration and a fine of \$6,600 to \$13,200 (108,000 to 216,000 pesos) for persons found guilty of sexual abuse of a minor, and up to 30 years if the victim is a family member of the abuser.

Typical cases of child abuse include that of a 4-month-old child whose arm and rib were broken by his parents. The child was separated from his parents and sent to a shelter until the parents completed required counseling and psychological treatment. An 8-year-old child's father burned his child's hand after the child was caught stealing. There also have been reports of children being left tied up and without food in their homes while their parents go to work. The law prohibits the press from reporting on all cases of child abuse, which results in a diminished public perception of it.

The Minor's Code contains provisions against child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. It also provides for removal of a mistreated child to a protective environment. According to local monitors, instances of child abuse were underreported because of traditional beliefs that family problems should be dealt with inside the family. However, child abuse is receiving increasing public attention.

The Ministry of Health gave conservative estimates that, from January through October, there were 887 deliveries by female adolescents under age 15, and 15,491 deliveries by adolescents between the ages of 15 and 19. This information is preliminary and conservative in light of 1999 statistics, which estimated deliveries by adolescents below age 15 at 1,529, and by adolescents from 15 to 19 at 33,332 for that full year. Many of these pregnancies were reported to be the result of rape or incest and often are accompanied by sexually transmitted diseases.

Some in the tourist industry have facilitated the sexual exploitation of children; particular areas of concern are Boca Chica and Puerto Plata. Tours are marketed by foreigners overseas with the understanding that boys and girls can be found as sex partners. According to an official in the District Attorney's Office, the Association of Hotels has asked to participate in government initiatives to combat the exploitation of children in the tourist industry. Journalists reported that the majority of prostitutes in brothels visited around the National District appeared to be between 16 and 18 years of age. There are several church-run shelters that provide refuge to children who break free from the prostitution trade. Prostitution is the principal area of exploitation of underage girls in the informal economy. The Oversight Organization carried out community information campaigns on children's rights, including the prevention of child abuse, child labor, and family violence. It also provided training to persons and groups providing social services to children, judicial officials, and other children's advocates.

Poor adolescent girls and boys sometimes are enticed into performing sexual acts by the promise of food or clothing; sometimes they are forced into unsafe relationships with strangers by the need for money. Once

involved, they may be held against their will by individuals who sell their sexual favors to others. Some of these minors are lured from their parental homes; others are already on the street.

Trafficking in girls is a serious problem (see Section 6.c. and 6.f.).

The judicial system sometimes fails to protect the status of minors in criminal cases. The authorities sometimes treated minors as adults--most often when physical forensic examinations indicated that the person claiming to be minors were probably adults--and incarcerated them in prison rather than juvenile detention centers. In 1997 the Government began implementing the 1994 Minor's Code, laying the groundwork for a juvenile court system. The Supreme Court inaugurated the first of 11 juvenile courts in August 1999 and chose judges for the other 10 courts, some of which were functioning by year's end. Although these juvenile courts are organized with a focus on rehabilitating offenders, very few social services are available for minors. In practice, juveniles are detained in excess of the time permitted by law, and then are sent to jail rather than referred for rehabilitative services. There are legal advocates especially for juveniles in Santo Domingo and La Vega to provide them with representation in delinquency cases.

Child labor is a problem (see Section 6.d.). It is not uncommon for minors to be put on the street to fend for themselves as younger siblings claim the parent's meager resources. Homeless children called "palomas" (doves) are frequently at the mercy of adults who collect them and put them to work begging and selling fruit, flowers, and other goods on the street. In return for their work they are given basic housing. The ages at which these children work, the hours they put in, and their failure to comply with compulsory school attendance all violate the law, but the Government has not been able to combat this practice.

People with Disabilities

Disabled persons encounter discrimination in employment and in the provision of other services. Although the law provides for physical access for the disabled to all new public and private buildings, the authorities have not enforced this law uniformly. There is a Subsecretariat for Rehabilitation under the Ministry of Public Health, a recreation center for the disabled in Las Caobas, and a department in the Sports Ministry to facilitate athletic competition for the disabled. However, there is little consciousness of the need to make the daily lives of the disabled safer and more convenient. For example, new street construction makes few provisions for the disabled to cross the streets safely.

The Dominican Rehabilitation Association (ADR) has grown from a 1-room operation to a large complex with 17 affiliates throughout the country. It provides services for 2,500 persons daily. The Government provides about 30 percent of the ADR's budget. The Government also distributed 25,000 wheelchairs donated by a foreign athletic team.

National/Racial/Ethnic Minorities

A strong prejudice against Haitians runs through society and disadvantages many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of African descent. The Government has not acknowledged the existence of this discrimination nor made any efforts to combat it. Darker-skinned Dominicans also face informal barriers to social and economic advancement.

Efforts to stem the influx of Haitian immigrants have made it more difficult for those Haitians already in the country to live peacefully. Police regulations threaten those offering transportation to illegal immigrants with confiscation of their vehicles, and have discouraged taxi and bus drivers from picking up dark-skinned persons. In roundups of illegal immigrants, authorities pick up and expel darker Dominicans as well as legal Haitian residents.

Perhaps 500,000 Haitian immigrants--or 7 percent of the country's population--live in shantytowns or sugar cane work camps, in harsh conditions with limited or no electricity, running water, or schooling. There are estimates that as many as 1 million Haitians live in the country. Human rights groups regularly charge the Government with unlawful deportations of, and police brutality toward, these legal and illegal immigrants (see Sections 1.d and 2.d.).

Credible sources also charge that the Government refuses to recognize and document as Dominican citizens many individuals of Haitian ancestry born in the country. Since many Haitian parents have never possessed documentation for their own birth, they are unable to demonstrate their own citizenship. As a result, they cannot declare their children's births at the civil registry and thereby establish Dominican citizenship for their offspring. Some civil registry offices do not accept late declarations of birth for children of Haitian immigrants, although they routinely accept late declarations for children of Dominican parents.

Haitian parents encounter difficulties registering their children for school. Lack of documentation usually deprives children of Haitian descent of the opportunity to attend school where there is one available. Some parents fail to seek documentation due to fear of being deported. It falls to the discretion of public school principals whether children may attend, when immigrant parents have no identity cards or birth certificates to register children formally. Even when permitted to attend primary school, it is rare that the children of Haitian parents progress beyond sixth grade.

Sometimes poor Haitian families arrange for Dominican families to "adopt" and employ their children. The adopting parents can simply register a child of any age as their own. In exchange, the parents receive monetary payment or a supply of clothes and food. They believe that this ensures their children a more promising future. In many cases, adoptive parents do not treat the adoptees as full family members and expect them to work in the households or family businesses rather than attend school. The effect is a kind of indentured servitude, at least until the young person reaches majority (see Section 6.c.). There were reports that Haitian girls between the ages of 10 and 14 were the most sought after, especially in border areas.

The Government is doing little to improve the conditions of Haitian immigrants. Most social services in shantytowns are provided by NGO's and other relief organizations.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the freedom to organize labor unions and for the right of workers to strike (and for private sector employers to lock out workers), and workers in all sectors exercise this right. All workers, except the military and the police, are free to organize. Organized labor represents an estimated 10 percent of the work force and is divided among four major confederations and a number of independent unions. There are approximately 190 registered unions in the country. The 1992 Labor Code provides extensive protection for worker rights and specifies the steps legally required to establish a union, federation, or confederation. The Code calls for automatic recognition of a union if the Government has not acted on its application within 30 days. In practice, the Government readily facilitates recognition of labor organizations.

Unions are independent of the Government and generally independent of political parties. The law against companies who fire union organizers or members is enforced selectively, and penalties are insufficient to deter employers from violating worker's rights. There were reports of widespread discreet intimidation by employers in an effort to prevent union activity. This is apparent particularly in the FTZ's where foreign companies have located in search of low labor costs and little interference in their operations. For example, unions in the FTZ's in San Pedro de Macoris report that their members hesitate to discuss union activity at work, even during break time, due to fear of losing their jobs.

Requirements for calling 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. The Government generally respects association rights and places no obstacles to union registration, affiliation, or the ability to engage in legal strikes. However, enforcement of labor laws is sometimes unreliable, inhibiting employees from freely exercising their rights.

In May nurses belonging to the National Union of Nursing Services and the National Union of Dominican Nursing Services unions went on strike to protest noncompliance with terms that the Ministry of Health agreed to in 1997. Issues of contention included a pay raise and a demand for hospital equipment. Sugar workers struck in La Romana in August to protest the company's failure to make bonus payments. Transportation workers struck in the Puerto Plata in September to protest rising fuel costs.

G & K Services, a company in San Isidro, fired 20 union members in April. No judicial action was taken because the company paid severance pay to the workers. A court judgment in April ordered Dennis Fashions, Inc., which had been closed since 1998, to provide severance pay to its 352 unionized employees. The company failed to comply with the judgment. A total of 350 unionized workers of Euromodas in Cristo Rey filed a lawsuit to collect severance pay after the company closed in 1998. In January the court ruled that Euromodas had to pay the workers; however, the company no longer exists. The owners of Euromodas opened a new company during the year, and in June former employees protested outside the new factory. Protesters were dispersed by the police, who arrested 35 of them and held them for 2 days without charges before releasing them.

In November 1999, employees of the FTZ company D & P Handbag in Santiago formed a union and filed the

register of union members with the Director of Labor. This register was rejected because the Director General of Labor claimed that it did not contain the requisite number of members. In January the Ministry of Labor reversed this decision; however, the company did not permit formation of a union. At year's end, the case was still pending before a labor court in Santiago.

On December 29, 1999, the Supreme Court issued a judgment against Han Chang company. It upheld the decision of the lower court that the work contracts of five union leaders fired in 1995 were valid. The Court ordered that the workers be reinstated and paid back wages. The Bani company has failed to comply with the decision and the National Federation of Free Trade Zone Workers (FENATRAZONA) has asked for the cancellation of the company's export license. Legal authority to cancel export licenses lies with the National Council of Free Zones and is dependent on a request from the Ministry of Labor. The Ministry of Labor reported that this case was being mediated.

Labor unions can and do affiliate freely regionally and internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is legal and may take place in firms in which a union has gained the support of an absolute majority of the workers. Only a minority of companies have collective bargaining pacts, and the International Labor Organization considers the requirements for collective bargaining rights to be excessive and finds that in many cases they could impede collective bargaining. The Labor Code stipulates that workers cannot be dismissed because of their trade union membership or activities; however, in practice, workers sometimes are fired because of their union activities.

The Labor Code establishes a system of labor courts for dealing with disputes. While cases do make their way through the labor courts, enforcement of judgments is sometimes unreliable.

The Labor Code applies in the 40 established FTZ's, which employ approximately 200,000 workers, mostly women. Workplace regulations and their enforcement in the FTZ's do not differ from those in the country at large, although working conditions are sometimes better and the pay is higher. Some FTZ companies have been accused of discharging workers who attempt to organize unions, but there also have been reports of union organizers extorting money from business owners. In the FTZ's, while there may be as many as 10 collective bargaining agreements on paper, only 3 actually are functioning. The majority of the unions in the FTZ's are affiliated with the National Federation of Free Trade Zone Workers or the United Federation of Free Trade Zone Workers.

Many of the major manufacturers in the FTZ's have voluntary "codes of conduct," that provide for protection against forced labor, freedom of association, freedom from discrimination, and prohibit the use of child labor. They also call for a workplace that is safe and healthy. However, workers rarely have heard of such codes, or the principles they set out.

Tortoni Manufacturing closed its doors in April after unionized employees told management they wanted a collective bargaining agreement. New investors reportedly took control of the company, renamed it Gramerci Dominicana (a subsidiary of Andover) in July, and committed to pay the employees their severance pay. As of December 8, through mediation by the Secretariat of Labor, the employees were reinstated and had received the first of two installments of severance pay.

c. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including that performed by children; however, such practices still exist to a limited extent in the adult worker population and, to a limited extent, among children in the informal sector. Young children "adopted" by families work under a kind of indentured servitude and homeless children are made to beg by adults (see Section 5). Trafficking in women and girls for purposes of prostitution is also a problem (see Sections 5 and 6.f.). The FENATRAZONA noted that there were over 40 reports of coerced overtime in factories. Workers gave examples of their employers locking factory doors with chains so they could not leave, and taking incentive pay away from or firing those who refused to work overtime. Union officials state that newly hired workers are not informed that overtime is optional. The Association for the Development of Women and the Environment reported several instances of forced adult labor in the sugar industry in the shantytowns of La Jagua, Sabana Grande de Boya, and Los Jovillos. Field guards reportedly kept workers' clothes and documents to prevent them from leaving. In January a field guard in Los Jovillos broke a worker's arm when he tried to leave.

d. Status of Child Labor Practices and Minimum Age for

Employment

The Labor Code prohibits employment of children under 14 years of age and places restrictions on the employment of children under the age of 16. These restrictions include limiting the daily number of working hours to 6, prohibiting employment in dangerous occupations or in establishments serving alcohol, and limiting nighttime work. A company could face legal sanctions and fines if caught employing underage children. Children between the ages of 14 and 16 may work in apprenticeship and artistic programs. The law requires 6 years of formal education. Children who do not continue in school often seek illegal employment before reaching the minimum working age (see Sections 5 and 6.c.).

In August FENATRAZONA criticized the Overseas Manufacturing Corporation, in the FTZ in San Pedro de Macoris, for employing underage workers in the production of computer components. The Ministry of Labor carried out two investigations and found no workers under age 16. (FENATRAZONA asserted that the inspectors were denied entry on their first visit and that when they returned, the children had been removed. The Secretariat of Labor denied this version and said that the inspectors were never denied entry.) At the end of August the company was operating with only 20 workers, rather than the normal force of 60 to 80. According to the owner, the company was undergoing a work "slow down" due to lack of primary materials. At year's end, the company reportedly had closed.

The high level of unemployment and lack of a social safety net create pressures on families to allow or encourage children to earn supplemental income. Tens of thousands of children begin working before the age of 14. Child labor takes place primarily in the informal economy, small businesses, clandestine factories, and prostitution. Conditions in clandestine factories are generally poor, unsanitary, and often dangerous. The Government largely has eliminated the use of children for cutting sugar cane; however, there are still reports that poor Haitian and Dominican children accompany their parents to work in the cane fields, with the tacit acceptance of sugar companies.

Sexual exploitation of children is a problem (see Section 5).

The Ministry of Labor, in collaboration with the International Labor Organization's Program on the Eradication of Child Labor, and other international labor rights organizations, has implemented programs to combat child labor. These include a national child labor survey; a program to remove children from dangerous agricultural work in San Jose de Ocoa, Constanza, and Azua; and an upcoming program in the area of child prostitution in Boca Chica and Puerto Plata. By November the Constanza program removed 500 children, twice as many as the targeted number, from work in hazardous agriculture, and placed them in schools.

The law prohibits forced or compulsory labor by children; however, such practices persist in the informal sector (see Section 6.c.). There were no reports of forced child labor in the formal sector.

e. Acceptable Conditions of Work

The Constitution empowers the executive branch to set minimum wage levels, and the Labor Code assigns this task to a national salary committee. Congress also may enact minimum wage legislation. The minimum monthly salary is \$135 (2,222 pesos) in the FTZ's and ranges from \$107 (1,757 pesos) to \$176 (2,895 pesos) outside the FTZ's depending upon the size of the company and the nature of the business. The minimum wage does not provide a decent standard of living for a worker and family. It only provides approximately one-third of the income necessary to sustain an average family. The national poverty level, which is based on a basket of goods and services consumed by a typical family, is \$402 (6,607 pesos) per month for a family of five.

The Labor Code establishes a standard work period of 8 hours per day and 44 hours per week. The code also stipulates that all workers are entitled to 36 hours of uninterrupted rest each week. In practice, a typical workweek is Monday through Friday plus a half day on Saturday, but longer hours are common. The code grants workers a 35 percent differential for work totaling between 44 hours to 68 hours per week and double time for any hours above 68 hours per week.

Conditions for agricultural workers are poor, especially in the sugar industry. Most sugar cane worker villages have high rates of disease and lack schools, medical facilities, running water, and sewage systems. On sugar plantations, cane cutters usually are paid by the weight of cane cut rather than the hours worked. Employers often do not provide trucks to transport the newly cut cane at the conclusion of the workday, causing workers to receive lower compensation because the cane dries and weighs less.

When the cane is weighed, workers are given tickets indicating the weight of cane cut (often rounded in favor of the employer) and the amount of money due. These tickets, issued to a specific person but payable to the

bearer, may be turned in to the employer and redeemed for cash every 2 weeks. Many cane cutters earn less than \$4.00 (60 pesos) per day. Because workers earn so little and sometimes cannot wait until payday to redeem their tickets, an informal barter system has evolved in which the tickets also are used to purchase items at private stores located on the plantations. These private stores make change by giving back a combination of tickets and cash. However, it is not unusual for these stores to retain 10 percent of the cash due a customer.

The Dominican Human Rights Committee and batey residents report that conditions of work for cane workers have deteriorated since the industry was privatized in 1999. Workers reportedly are paid less, work longer hours, and have fewer benefits, according to the Committee. The Dominican Association of Sugar Technicians reported that before the October 1999 privatization of the industry, there were approximately 32,000 sugar industry workers, compared to approximately 3,200 at year's end. While child labor in the sugar industry has decreased significantly, it still exists according to human rights advocates and labor federations (see Section 5).

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. The existing social security system is seriously underfunded and applies to only about 9 percent of the population. Approximately 13,000 employees work in the IDSS bureaucracy to support fewer than 20,000 retirees.

Both the IDSS and the Ministry of Labor have small corps of inspectors charged with enforcing standards. The Secretariat of Labor has 250 inspectors who seek to improve sanitation, health care, and safety for workers. Included in this number is a smaller, specialized corps (eight in the National District) of inspectors for the FTZ's. Inspector positions customarily are filled through political patronage, and bribes from businesses are common. In practice, workers cannot remove themselves from hazardous working situations without jeopardizing employment (see Section 6.b.).

For example, an FTZ in Bonao, Bi Bong Apparel, fired several workers who, displeased with the safety of work conditions, cut wires to stadium lighting under which they were forced to work. In March the Labor Court held that the company should not have fired the workers and ordered an inspection. The Department of Hygiene and Safety carried out an inspection of the lighting, drinking water, bathrooms, and ventilation. According to the Ministry of Labor, inspectors found irregularities and made a series of recommendations. In November the workers returned to their jobs.

f. Trafficking in Persons

The law prohibits trafficking in persons, and a 1998 alien smuggling law increased the penalties for those found guilty of various phases of this crime; however, trafficking in women and children from, to and within the country remains a serious problem. The penalties for trafficking are 3 to 10 years in prison, or, if there is a death, 10 to 20 years in prison, plus punitive damages.

Laws dealing with domestic violence, as well as the Minor's Code, create protection under both civil and criminal law against particular situations that may be conducive to, or acts that may be a part of, the traffic in persons, whether female or male, minors or adults. The law also prohibits acting as an intermediary in a transaction of prostitution, and the Government has used this law to prosecute third parties that derive profit from prostitution.

The Directorate of Migration estimates that there are approximately 400 rings of alien-smugglers, traffickers, and purveyors of false documents operating within the country. These individuals profit by facilitating the trafficking of women to Europe and the Eastern Caribbean under false pretenses and for purposes of prostitution.

In 1996 the Government created the Interinstitutional Committee for the Protection of Migrant Women (CIPROM); however, this organization ceased functioning due to lack of funding. One NGO, the Center for Integral Orientation and Investigation (COIN), counsels women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other issues including the dangers of trafficking, forced prostitution, and domestic servitude. The program also provides services to returning women. COIN administers the Center for Health and Migration Information for Migrant Women that carries out community education campaigns in high risk areas on various issues, including citizenship, legal work requirements, dangers of trafficking, forced prostitution, and domestic servitude. It also provides a information hotline and offers psychological, legal, and health counseling to returning women.

In January two journalists from the Spanish newspaper, El Mundo, made public a documentary that exposed a ring of traffickers of women to Europe. The ring included foreigners as well as local officials. The authorities

arrested one military officer and deported one Dutch citizen. In July the Public Ministry dismantled a house of prostitution in which the majority of the prostitutes were from Europe and Russia. The leader of the operation, as well as the women themselves, fled the country before they could be prosecuted.

From January through August, the authorities dismissed 42 immigration employees for links with groups trafficking in persons. In addition authorities have charged at least 45 persons for allegedly organizing illegal trips under the 1998 antimuggling law. Of these, 30 persons were tried and 15 were convicted. Their sentences range from 3 to 5 years in prison. At year's end, 15 cases were pending.

The Oversight Organization for the Protection of Children coordinates the approaches of various agencies involved in combating trafficking in children, whether for adoption, sexual exploitation, or other purposes. This organization works with the Attorney General's office, the Public Health Ministry, Migration, and other agencies. In the National District, the Department of Family and Children in the Office of Public Prosecutor focuses on identifying children who are victims of abuse and prosecutes offenders under heightened penalties contained in the domestic violence law.

A primary concern of the Oversight Organization is preventing abuse of the child adoption process by those intending to sell or exploit children through prostitution or child pornography. The Department of Family and Children is very concerned about kidnappings, especially of infants, for sale to foreigners who deliberately have sidestepped legal formalities--including those of their own country. The Government seeks to protect children from victimization under the rubric of adoption. Many children leave the country as adoptees, but government officials have made such adoptions much more difficult and, they hope, have prevented would-be traffickers from abusing the system.

Poor Haitian and Dominican parents sometimes arrange for more prosperous Dominican families to "adopt" their children, in exchange for money or goods. Such children often are not treated as full family members and are expected to work long hours in domestic service, agriculture, or industry under threat of corporal punishment and without compensation. Especially in the case of girls, these children often are abused sexually.

[End.]