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U.S. Department of State

Dominican Republic Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

DOMINICAN REPUBLIC

The Constitution provides for a popularly elected president and a bicameral congress. President Leonel Fernandez of the Dominican Liberation Party took office in August 1996 after a free and fair election. The Social Christian Reformist and Dominican Revolutionary parties dominate the two legislative chambers. The Government continued an overhaul of the nominally independent judiciary, which had been highly politicized, by overseeing the selection of a new 16-member Supreme Court through a transparent and highly participatory process.

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. The security forces are generally responsive to civilian executive branch authority. However, some members of the security forces continued to commit human rights abuses, sometimes with the tacit acquiescence of the civil authorities.

The economy, once heavily dependent on sugar and other agricultural exports, has diversified; tourism and free trade zones (FTZ's) are now major sources of income and employment. Remittances from abroad provide an estimated 10 percent of the \$1,600 per capita gross domestic product. State-owned firms such as the State Sugar Council, the Corporation for State Enterprises, and the Dominican Electricity Corporation have impeded economic growth because of inept financial and administrative practices.

The Government's human rights record improved slightly, although serious abuses remain. Principal human rights problems include continuing instances of extrajudicial killings by police, beatings and arbitrary detention of suspects, detention of suspects' relatives, the security services' refusal to obey judicial orders, and poor prison conditions. Most reports of human rights abuses involved the police and the DNCD, rather than the military. Human rights training for new police officers became more extensive, and 2,000 military personnel transferred to the National Police in September underwent several weeks of human rights courses. Other serious problems include interference with the judiciary, lengthy pretrial detention, judicial corruption, maladministration of the courts, discrimination and violence against women, prostitution, abuse of children, discrimination against the disabled, abuse of Haitian migrants and their descendants, compulsory and child labor, and impediments to free association. Workers in the state-owned sugar plantations and mills continued to work under unfair and unsafe conditions.

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, but there were reports of about 50 extrajudicial killings by the DNCD and the police. Human rights observers agree that such abuses occurred less frequently than in 1996, but that serious problems remain. In January the police beat a man to death while he was painting his house near a political demonstration in the capital; the police took the corpse to the hospital and state physicians removed the corneas from its eyes without legal consent. In February in Santo Domingo, police fatally shot a Haitian woodworker in his workshop after he declined to pay a weekly bribe demanded by the officers. When the police came to remove squatters from a plot of land in Herrera, Santo Domingo, in April, they slapped, kicked, and beat one squatter while forcing him to pick up trash, with many witnesses and reporters present. He later died of the beatings. In May the press and human rights groups reported that DNCD officers in Nagua shot to death a suspect while trying to extract testimony from him about alleged drug offenses. Although the Government established a procedure for trying and dismissing officials who commit extrajudicial killings, the authorities were not able to provide an accounting of disciplinary actions taken against DNCD and police officers during the year.

About 10 civilians and police officers were killed in clashes in October and November. Some of the civilian deaths were caused by other protesters, but the police were responsible for most of them. During the November 11-12 general strike, the police, reinforced by the military, demonstrated considerable restraint and killed no one while detaining persons suspected of vandalism and violence.

The authorities made some progress in an investigation of the 1975 murder of journalist Orlando Martinez. Prosecutors indicted five individuals--including three former generals--who await trial.

Military courts try military personnel charged with extrajudicial killings. Police tribunals have on occasion tried, convicted, and sentenced personnel charged with extrajudicial killings. Police officers may be tried by police courts or remanded to civilian court jurisdiction. From January through November, police courts tried 6 police officers for murder and 216 for felonies, while the authorities dismissed 560 other police officers and remanded their cases to the civilian court system.

b. Disappearance

There were no reports of politically motivated disappearances.

The Fernandez Government made little progress in the reopened case of Narciso Gonzalez, a university professor and critic of the Government who disappeared in May 1994. The Santo Domingo district attorney's office filed the case with a civilian court system investigative judge who followed up several leads-- including one provided by a convict who claimed in August that he had participated in the disappearance--and questioned several military officers. However, the Government was unresponsive to the judge's efforts to extract information from the military hierarchy and officials of the former government. The Inter-American Commission on Human Rights (IACHR) has the case under consideration. At the IACHR's request, the Government and the nongovernmental Truth Commission each named three persons to a new commission tasked with providing guidance to the investigative judge and reporting back to the IACHR in February 1998. The new commission had met twice by the end of the year.

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

Torture and other forms of physical abuse are illegal, but instances of security service personnel physically abusing detainees continued. Lack of supervision, training, and accountability throughout the law enforcement and corrections systems exacerbate the problem of physical abuse. Human rights groups and the press reported numerous incidents of physical abuse of detainees while in custody. Examples of such incidents included the brutalizing of an inmate and his wife at Najayo prison while the police tried to learn of an alleged plan to help another prisoner escape, and the 8-day detention and torture of a truck driver, never formally accused of a crime, by police in Santo Domingo. There were multiple press reports and allegations from several human rights groups that the DNCD leadership was present during the torture of prisoners. Although the authorities were not able to furnish evidence that the perpetrators of these abuses had been punished, President Fernandez dismissed the DNCD director in September. Following his departure, there were no further reports of DNCD torture.

DNCD and some mid- and lower-level police authorities resisted efforts of civilian authorities to provide adequate supervision of the investigation process as required by law. The prosecutor's office placed lawyers in 12 high-volume police stations and several DNCD offices to monitor the investigative process. In September, however, the prosecutor's office in Santo Domingo withdrew five of these lawyers from the DNCD. The chief prosecutor claimed that DNCD officials had not permitted these lawyers to observe criminal interrogations. After the removal of the DNCD director, the Government immediately returned prosecutors to DNCD offices. The DNCD added new human rights training courses for its officers in September.

Civilian prosecutors sometimes file felony charges against police and military officials related to physical abuse, torture, and related crimes. Although punishment may range up to 5 years' incarceration for serious cases of abuse, as a rule judges have sentenced convicted officials to sentences ranging from a 1-month suspension to 6 months' incarceration.

Prison conditions are poor. The prisons are grossly overcrowded, and health and sanitary conditions are poor. Conditions at La Victoria prison pose a serious threat to life and health; as many as 3,500 inmates were held there at one point during the year, although it was originally designed for 800. By year's end, the Government had reduced La Victoria's population to 2,100. Najayo prison was built for 700, yet contained 2,400 prisoners for most of the year. Medical care suffers from a lack of supplies and available physicians. Prisoners immobilized by and dying of AIDS are not transferred to a hospital.

The Government has begun a prison renovation program and in April opened the "Alaska" wing at La Victoria prison with improved sanitation and more comfortable facilities. It also renovated large portions of the San Pedro de Macoris and San Francisco de Macoris prisons. The Government began to deploy a new prison police force in September, which, through an integration of soldiers, lawyers, social workers,

and psychologists, offered increased opportunities for rehabilitation. It also opened the first prison school at Najayo prison in September, where 200 prisoners signed up for classes in 7 subjects.

Females are separated from male inmates. In general, conditions in the female prison wings are superior to those found in male prison wings, and there have been few reports of serious abuse by guards.

The Government made some progress separating juvenile from adult offenders, and removed all minors from La Victoria. In August 10 juvenile prisoners successfully protested a transfer to the Monte Plata facility, where many violent offenders are housed and several prison riots occurred during the year. In other prisons, the authorities still hold juveniles with adult inmates.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that the authorities may detain suspects for a maximum of 48 hours before arraignment, after which they must charge or release them. However, in special circumstances, suspects may be detained for longer periods with the approval of the prosecutor's office. The security forces continued to violate constitutional provisions by detaining suspects for investigation or interrogation beyond the prescribed 48-hour limit. The security forces traditionally detain all suspects and witnesses in a crime and use the investigative process to determine which ones are innocent and merit release and which ones they should continue to hold. After the prosecutor's office placed its lawyers in several police stations, the police curtailed the practice of arbitrary detention in those precincts.

The DNCD and National Police continued to engage in indiscriminate roundups of people in poorer neighborhoods. The security forces also continued to detain relatives and friends of suspected criminals with the aim of forcing the surrender of suspects. The prosecutor's office challenged the DNCD and the National Police to curb these abuses, but human rights groups contend that minimal progress was achieved.

On October 26, Police Chief Sanz Jiminian announced that the Special Operations Unit had taken more than 500 persons from neighborhoods around Santo Domingo into custody. The Government stated that it detained these persons because it believed that they might incite violence at the general strike planned for November 11-12. The Government did not charge these detainees with specific crimes and held them until after the strike.

Many suspects suffer long pretrial detention; during the year, the Government reducing the proportion of the prison population awaiting trial from 88 to around 70 percent. Pretrial detention averages 29 months in the instructional phase and another 9 months in the trial phase.

Due to the inefficiency of the courts (see Section 1.e.), the granting of bail has become the de facto criminal justice system. As a rule, defendants awarded bail rarely face an actual trial; those denied bail may serve their entire sentences while awaiting trial. The Dominican Association of Lawyers estimated in August that 60 percent of untried inmates had already served more time in prison than they would have if tried and convicted. Even after being acquitted of crimes, persons sometimes remain incarcerated for several months.

In January the Government passed a law pardoning the fines of insolvent prisoners. Many prisoners were released who had served more time in prison than required, but lacked the funds to pay the monetary portion of their sentence. On December 22, President Fernandez pardoned by decree 70 more

prisoners. According to government statistics, another 600 prisoners could be immediately released if a decree were issued pardoning inmates who had not been tried but had already served the maximum possible sentence for the accused crime.

The law prohibits forced exile.

e. Denial of Fair Public Trial

Although the Constitution stipulates an independent judiciary, interference from other public and private entities, including the executive branch, has substantially undermined judicial independence. In August for the first time, the National Council of the Judiciary chose members of the Supreme Court, underscoring a new independence from the executive and legislative branches.

The judiciary, based primarily on the French judicial system, includes a 16-member Supreme Court, appeals courts, courts of first instance, and justice of the peace courts. There are also specialized courts that handle administrative, labor, traffic, and land registration matters.

The new Supreme Court began to combat judicial corruption by organizing an inspections and investigations unit. After the new court was installed in August, it also dismissed 27 judges for corruption or ineptitude.

Judges, rather than juries, render all verdicts and are appointed by the National Council of Magistrates. Under the 1994 constitutional amendments, the Supreme Court is responsible for naming all lower-court judges in accordance with a judicial career law, which was still pending in Congress at year's end.

The Constitution provides for public trial. However, during the closed pretrial instructional or investigative phase of the criminal justice process, the State traditionally provided no counsel to imprisoned indigents. President Fernandez approved funding for a new public defender program, which is expected to be implemented in 1998. Through 1997, the State contracted private practice lawyers to perform public defender services in felony cases. The courts rarely appoint defense lawyers in misdemeanor cases.

The judicial system is plagued by chronic delays, and many suspects suffer lengthy pretrial detention (see Section 1.d.). In September the Government began a 5-year program to modernize courts in Santo Domingo, but the program has not yet made an impact on the judicial backlog.

Military or police courts have jurisdiction over members of the security forces. With increasing frequency, however, military or police boards remanded cases involving capital crimes (murder, rape, etc.) to civilian courts for review after dishonorably discharging the perpetrators.

There were no reports of political prisoners.

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

The Constitution contains provisions against invasion of the home. Although the Government does not arbitrarily use wiretapping or other surreptitious methods to interfere with the private lives of persons or families, it tolerates an active private wiretapping industry. The authorities may only search a residence in the presence of a prosecutor or an assistant prosecutor, in cases of "hot pursuit," or where there is reason to believe that a crime is in progress.

The security forces continued to detain relatives and friends of suspects to try to compel suspects to surrender (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 respects them in practice.

Citizens of all political persuasions exercise freedom of speech. Newspapers and magazines freely present a diversity of opinion and criticism. Self-censorship is practiced, particularly when coverage could adversely affect the economic or political interests of media owners.

The numerous privately owned radio and television stations broadcast all political points of view. A 1971 law prohibits foreign-language broadcasts. The Government controls one television station but no major newspapers.

Public and private universities enjoy broad academic freedom. The main public university, the Autonomous University of Santo Domingo, with approximately 35,000 students, has no restrictions on enrollment and maintains a policy of nonintervention (other than 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, which the Government commonly respects in practice. Outdoor public marches and meetings require permits, which the Government usually grants. There were a number of clashes between police and protesters in October and November in Santo Domingo and other towns such as Barahona, Bani, and Bonao (see Section 1.a.). These protests were largely prompted by electricity shortages and rising prices.

The Constitution provides for freedom of association, which the Government generally respects in practice. Political parties freely affiliate with their foreign counterpart organizations. Professional organizations of lawyers, doctors, teachers, and others function freely and can maintain relations with counterpart international bodies of diverse political philosophies.

c. Freedom of Religion

The Constitution prohibits discrimination on religious grounds, and the Government does not interfere with the practice of religion.

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.

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

Citizens face no unusual legal restrictions on travel within or outside the country.

Haitians continue to come in great numbers to the Dominican Republic, some legally but most

undocumented, in search of economic opportunity. Throughout the year, the security forces, particularly the army, deported undocumented Haitian nationals believed to be in the country illegally. In January and February, international observers estimated that the Government deported between 15,000 and 25,000 Haitians. Deportations continued on a daily basis through the rest of the year, but in more modest numbers. In many cases, the Government denied those deported the opportunity to demonstrate that they legally resided in the Dominican Republic. Haitian Government officials complained that Haitians were often detained up to 3 days and held with little or no food and then deported without notice to Haitian authorities.

Representatives of nongovernmental organizations (NGO's) working in rural areas reported that decisions to deport were often made by lower ranking members of the security forces, sometimes based upon the racial characteristics of the deportees. Haitian sugar cane workers face restrictions on their freedom of movement (see Section 6.c.).

According to a 1984 law, an applicant for refugee status must be referred to the National Committee for Refugees by the National Office of Refugee Affairs, which has not been established. Instead, the Department of Immigration issues documentation to refugees certified as such by the United Nations High Commissioner for Refugees (UNHCR). While these documents are accepted by the police and immigration officials, the process by which they are issued does not comply with the law. There were 637 such refugees living in the country in September.

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum and resettlement. One person was granted asylum in 1997. On October 31, the Government returned two Cuban refugees to Cuba, according to the UNHCR. The two refugees were part of a group of 23 Cubans returned after the Government obtained assurances from the Cuban Government that they would not be treated unfairly.

There were no other 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 Dominican Republic is a constitutional democracy, and its citizens last exercised this right in general elections in 1996. The President and all 150 members of the Senate and Chamber of Deputies are freely elected every 4 years by secret ballot. There is universal adult suffrage, except that active duty police and military personnel may not vote. The President appoints the governors of the 29 provinces. Opposition groups of the left, right, and center operate openly. The Government began planning for congressional and municipal elections in 1998, the first time since 1968 that such elections would not coincide with a presidential election.

The nation has a functioning multiparty system. In practice the President can dominate 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. However, President Fernandez encouraged the legislature to play a greater role, and has reduced reliance on rule by decree.

Congress provides an open forum for the free exchange of views and debate. The two main opposition parties and their allies combined hold 88 and 96 percent of the lower and upper houses, respectively, leaving President Fernandez's party with a limited congressional presence.

Women and minorities confront no serious legal impediments to political participation, but they are

underrepresented. Women hold 14 seats in the 120-member House of Deputies and 1 seat in the 30-member Senate. Women continue to have representation in appointed positions, albeit to a limited degree. Two of the 15 cabinet secretaries are women, and women hold 3 of 29 provincial governorships. Five of 16 justices chosen for the new Supreme Court are women, the first females ever to serve on the high court.

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

Nongovernmental human rights organizations operate freely without governmental interference. In addition to the Dominican Human Rights Committee and the nongovernmental Truth Commission dealing with the Narciso case, several other Haitian, church, and labor groups exist. There is no ombudsman's office.

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

The law prohibits discrimination based on race and sex. Such discrimination exists in society, but the Government has seldom acknowledged its existence or made efforts to combat it.

Women

Domestic violence and sexual harassment are widespread. The law exonerates a rapist if the rape victim does not file charges. A rape victim cannot file charges against her husband unless the marriage is annulled. In January President Fernandez signed a law which, for the first time, protects women against domestic and workplace abuse. The Government undertook a public information campaign, informing the population of the law through television advertising, distribution of flyers, and orientation in schools. The courts jailed several men for violation of this law, and in a highly publicized case, a judge was indicted for the sexual abuse of one of his employees.

The Government does not vigorously enforce prostitution laws. Sex tourism is a growing industry throughout the country as international visitors continue to increase. NGO's have ongoing HIV/AIDS and sexually transmitted disease prevention programs for male and female prostitutes, as well as hotel and industrial zone workers. Dominican women are also victims of rings trafficking in women and girls to Europe to work as prostitutes in conditions rife with exploitation and mistreatment. One NGO counsels women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other issues. The program also provides services to returning women. The new law against domestic violence prohibits acting as an intermediary in a transaction of prostitution, but the Government has not used the law to prosecute third parties who 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 overwhelming 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 in industry reportedly give pregnancy tests to women before hiring them, as part of a medical examination. Some employers have stated, and workers confirm, that pregnant women are not hired.

Children

Despite the existence of government institutions dedicated to child welfare, private social and religious organizations carry the principal burden. The private institutions receive no government financing. The

1994 Minor's Code requires only 6 years of formal education.

The most serious abuse involving children is the failure of the judicial system to protect the status of minors in criminal cases. The authorities sometimes treated minors as adults and incarcerated them in prison rather than juvenile detention centers. Although the Minor's Code became law in 1994, the Government did not begin to implement it until 1997 by laying the groundwork for the juvenile court system mandated by the code. Legal defenders for juveniles began work in two cities, Santo Domingo and La Vega.

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 or delinquent child to a protective environment. However, according to local monitors, instances of child abuse were underreported because of traditional beliefs that family problems should be dealt with inside the family. Some in the tourist industry have provided or facilitated sexual exploitation of children. Tours are marketed overseas with the understanding that boys and girls can be found as sex partners. There are no shelters providing refuge to children who break free from the prostitution trade. In October the Government began to arrest, jail, and deport foreigners involved in child prostitution in the town of Boca Chica.

People With Disabilities

Disabled persons encounter discrimination in employment and provision of other services. Although the law contains provisions for physical access for the disabled to all new public and private buildings, the authorities have not uniformly enforced this law. To improve opportunities for disabled citizens, the Government created a Subsecretariat for Rehabilitation under the Secretariat of Public Health, established a new recreation center for the disabled in Las Caobas, founded a new department in the Sports Secretariat to facilitate athletic competitions for the disabled, and instructed the Secretariat of Education to begin a pilot project integrating mentally retarded children into the public school system.

National/Racial/Ethnic Minorities

A strong prejudice against Haitians runs through society, disadvantaging many Haitians and Dominicans of Haitian ancestry. 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.

Credible sources charge that the Government at times, in violation of the Constitution, refuses to recognize and document as Dominican citizens individuals of Haitian ancestry born in the country. Children born to Haitian parents are caught in a bureaucratic dilemma: Since many Haitian parents have never processed 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. Lack of documentation also sometimes hinders the ability of children of Haitian descent to attend school where there is one available. Some parents fail to seek documentation for fear of being deported.

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). All workers, except the military and police, are free to organize, and workers in all sectors exercise this right.

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 arbitration, written notification to the Labor Secretariat, and a 10-day waiting period following notification before proceeding with a strike. The Government respects association rights and places no obstacles to union registration, affiliation, or the ability to engage in legal strikes.

The 1992 Labor Code provides extensive protection for worker rights and specifies the steps legally required to establish a union, federation, and confederation. The code calls for automatic recognition of a union if the Government has not acted on its application within a specific time. In practice, the Government has readily facilitated recognition of labor organizations. Organized labor represents little more than 10 percent of the work force and is divided among three major confederations, four minor confederations, and a number of independent unions. Unions are independent of the Government and political parties. However, there were reports of widespread discreet intimidation by employers of union activity. For example, union members in free trade zones (FTZ's) report that they hesitate to discuss union activity at work, even during break time, for fear of losing their jobs.

Labor unions can and do freely affiliate regionally and internationally.

b. The Right to Organize and Bargain Collectively

Collective bargaining is lawful 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 has collective bargaining pacts. The Labor Code stipulates that workers cannot be dismissed because of their trade union membership or activities.

The Labor Code establishes a system of labor courts for dealing with disputes, but these courts have proven ineffective at enforcing the law. There were many reports of bribes solicited by labor judges from companies during the deliberation process. The new Supreme Court began an overhaul of the labor courts, dismissing the president of the labor court in Santo Domingo.

The State Sugar Council (CEA) employs workers from more than 100 unions. Dominican workers predominate in most of the unions, although two unions are Haitian-dominated. The CEA has long maintained a negative attitude toward additional organizing efforts.

The Labor Code applies in the 36 established FTZ's, which employ approximately 182,000 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. Some FTZ companies have a policy of discharging workers who attempt to organize unions. Although there are approximately 70 unions in the FTZ's, many exist only on paper. The majority are affiliated with the National Federation of Free Trade Zone Workers.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that performed by children, and it is not known to occur. However, there were numerous credible reports of forced or coerced overtime in factories. There have been reports of workers being fired for refusing to work overtime, and both employers and

workers state that newly hired workers are not informed that overtime is optional.

Haitian sugar cane workers continued to encounter restrictions on their freedom of movement. These include armed guards on the plantations who try to discourage the movement of departing workers before they leave company lands. Experts from NGO's and union officials agree that working and living conditions among Haitian cane workers have improved in the past 5 years. Plantations have improved sanitary facilities and sometimes provide one meal per day to workers.

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 a limitation of no more than 6 hours of daily work, no employment in dangerous occupations or establishments serving alcohol, and limitations on nighttime work. The law requires 6 years of formal education. The law prohibits forced or bonded labor by children, and it is not known to occur (see Section 6.c.).

The high level of unemployment and lack of a social safety net create pressures on families to allow children to earn supplemental income. The International Labor Organization estimated in August that 169,000 children between the ages of 7 and 14 hold jobs. The Government did not sanction the parents of these children. When a fireworks factory suffered an explosion in Santo Domingo in September, all five workers killed were children, four of them 12 years old or younger.

e. Acceptable Conditions of Work

The Constitution provides the Government with legal authority to set minimum wage levels and the Labor Code assigns this task to a national salary committee. Congress may also enact minimum wage legislation. The minimum monthly salary is \$138 (1,932 pesos) in the free trade zones and ranges from \$111 (1,555 pesos) to \$172 (2,412 pesos) outside the FTZ's depending upon the size of the company. This covers only a fraction of the living costs of a family in Santo Domingo, but many workers receive only the minimum wage. For example, 60 percent of government employees earn only the minimum wage.

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 not unusual. The code grants workers a 35 percent differential for work from 44 hours to 68 hours per week and double time for any hours above 68 hours per week.

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. The existing social security system does not apply to all workers and is underfunded. In September the Government denounced the fact that many employers withhold social security payments from employee paychecks, but do not transfer the funds to the IDSS. The Government estimated that the IDSS lost \$11 million (160 million pesos) each month through such tax evasion schemes, paying out a third less to retirement funds than it had planned.

Both the IDSS and the Labor Secretariat have small corps of inspectors charged with enforcing standards. Inspector positions are customarily filled through political patronage. In practice, workers cannot remove themselves from hazardous workplace situations without jeopardy to continued employment. In many companies, the restroom facilities are unsanitary and emergency exits remain locked at all times.

Conditions for agricultural workers are in general much worse, especially in the sugar industry. On many sugar plantations, cane cutters are paid by the weight of cane cut rather than hours worked. Sometimes employers do not provide trucks to transport the newly cut cane at the conclusion of the workday, causing workers to receive lower compensation after the cane has dried out and become lighter. Many cane cutters earn approximately \$4.50 (60 pesos) per day. Many worker villages have high rates of disease and lack schools, medical facilities, running water, and sewage systems. Workers on sugar plantations sometimes receive coupons as part of their wages, which can only be redeemed at a company store with inflated prices.

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