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Dominican Republic

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The Dominican Republic is a representative constitutional democracy with a population of approximately 9.2 million, including an estimated 650,000 to one million undocumented Haitians. In August 2004 President Leonel Fernandez of the Dominican Liberation Party (PLD) was elected for a second (nonconsecutive) term, and in May the PLD won majorities in both chambers of Congress during congressional and municipal elections. Impartial outside observers assessed both elections as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

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

The government's new police chief implemented changes that diminished the level of killings and other abuse carried out by security forces and in some cases prosecuted those suspected of misconduct. Continued implementation of the new Criminal Procedures Code provided detainees additional protections, enhanced due process, and improved respect for detainee rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

According to the attorney general's office, security forces killed 361 persons during the year, a 36 percent decline from 2005. The office stated that most (298) of these deaths resulted from "exchanges of gunfire" in the course of arrests, which required officers to act in self-defense. However, that office's data were not always updated to reflect the results of internal police investigations; at least one unjustified police killing was left off its list. According to the National Commission on Human Rights, many killings were related to aggressive tactics on the part of the police.

In July citizens protested in Bonao following news that two police officials detained for killing a local businessman had "escaped" from their holding cells the day after the incident took place. On July 6, the officials allegedly killed the victim, Joesi Marte Nunez, after he accused them in a police report of assaulting his family and stealing \$1,700 (50,000 pesos) from their business. Police captured the alleged killers on July 15 and brought charges against two additional police officers; all four awaited trial at year's end. A subsequent investigation resulted in the firing of several other police officers, including Colonel Antonio Cepeda Urena, who had served as director of the city's police detachment.

On July 24, there were protests at the funeral service in Navarrete for Luis Manuel Ventura, a 25-year-old leader of the Broad Front for People's Protests (FALPO), a local leftist organization. Although authorities initially classified his killing on July 23 by police as occurring during an exchange of gunfire, witnesses disputed this account, claiming that Ventura had been dragged by persons dressed in police uniforms from a family funeral service and shot in full view of other mourners. Authorities arrested two police sergeants and charged them with homicide in connection with the case, and at year's end they remained in preventive detention pending the outcome of their trial.

On September 25, the police killing of another FALPO member sparked more protests in the same community. Police had initially classified the killing of Elvin Amable Rodriguez, a FALPO leader and spokesman, as an exchange of gunfire, but witnesses claimed that police dragged Rodriguez from a neighborhood corner store, hooded him, and executed him in view of his companions. After a subsequent investigation corroborated witness reports, the police chief ordered the arrest of two officers on murder charges and the immediate replacement of every officer assigned to the Navarrete police unit.

Human rights organizations, while conceding that the situation improved somewhat during the year, stated that the police employed unwarranted deadly force against criminal suspects as in previous years, and uniformed vigilantism persisted on a less-than-deadly level

(see section 1.c.).

The new police chief implemented changes that diminished the level of killings and other forms of abuse carried out by security forces. As a result, authorities investigated many of those suspected of misconduct, suspended them from their duties, and in some cases prosecuted them (see section 1.d.). However, some cases previously referred to courts for investigation remained unresolved or resulted in the release of the accused. In August the trial of two former policemen accused of murdering a 12-year-old girl, her aunt, and a suspected criminal in 2005 was again postponed. This most recent delay ignited protests in Santiago, where the victims resided.

Nongovernmental organizations (NGOs) alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes facilitated the illegal transit of Haitian workers into the country. In January authorities indicted seven military officials accused of accepting bribes to permit the entry of Haitians, 25 of whom died from asphyxiation while being smuggled in the back of a truck (see section 5, Trafficking).

A number of deaths occurred in custody due to negligence by prison authorities (see section 1.c.).

On a number of occasions citizens attacked Haitians in vigilante-style reprisals for violent crimes allegedly committed by other Haitians. In some cases the Haitians targeted were killed.

In March citizens beat two Haitians, doused them with gasoline, and set them on fire in the rural community of Las Matas de Farfan. The victims, who suffered severe burns over most of their bodies, later succumbed to their injuries and died. The attack was provoked by the murder of a Dominican man, allegedly by four persons of Haitian descent.

In January men dressed in military uniforms were seen setting ablaze more than 30 dwellings in the Haitian community of El Fao, near Santo Domingo. This was reportedly an act of reprisal for the killing of an air force sergeant by an unidentified Haitian, although in fact the sergeant had been killed by a police officer. The secretary of the armed forces later disputed the allegations of military involvement, attributing them to NGOs seeking to tarnish his agency's reputation.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits torture, beating, and physical abuse of detainees and prisoners, security forces personnel, primarily mid-level and lower-ranking members of the police, continued such practices. However, improvements in oversight and awareness resulted in a decrease in alleged incidents of torture and physical abuse of detainees. The public defender's office made regular visits to prisons, which enabled it to report cases of torture and maltreatment of prisoners.

The law provides penalties for torture and physical abuse, including sentences from 10 to 15 years in prison. Civilian prosecutors sometimes filed charges against police and military officials alleging torture, physical abuse, and related crimes. New abuse and torture cases were remanded to civilian criminal courts as they arose.

Senior police officials treated the prohibition on torture and physical abuse seriously, but lack of supervision, training, and accountability throughout the law enforcement and corrections systems undercut efforts to contain the problem. Although prison monitors and other observers agreed that conditions improved during the year, human rights groups reported repeated instances of physical abuse of detainees, most commonly beatings.

On October 3, authorities placed two police officials in preventive detention pending torture charges and released a third official on bail. The victim, Dionisio Contreras, had filed a complaint with the public prosecutor alleging that the officials handcuffed and repeatedly beat him in order to force him to confess to stealing a handgun. In a sign of the National Police's improved responsiveness towards allegations of abuse, the suspects were immediately suspended from their duties and imprisoned pending the charges.

There were reports of violence against demonstrators and protesters by members of the security forces (see section 2.b.).

According to the National Commission on Human Rights, military and police officials harassed, beat, and randomly deported Haitians as well as citizens who appeared to be Haitians (see sections 2.d. and 5).

Lawyers from the National District prosecutor's office monitored the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate (DNCD) offices (see section 1.d.). Some evidence indicated that assistant prosecutors at times acquiesced in improper police practices rather than attempting to insist they be changed to conform to constitutional standards.

Prison and Detention Center Conditions

Prison conditions ranged from poor to extremely harsh in most prisons, although one-fifth of the prison population experienced good conditions in newer "model prisons." Reports of mistreatment and inmate violence in prisons were common. The prisons were seriously

overcrowded, health and sanitary conditions were poor, and some prisons were out of the control of authorities and effectively run by criminal gangs of armed inmates. A common sentiment among prison wardens was that while they may control the perimeter, inside the prison the inmates often made their own rules and had their own system of justice.

Budget allocations for necessities such as food, medicine, and transportation were insufficient. Most inmates begged for or purchased food from persons in the vicinity of the prison or obtained it from family members. Prisoners were often not taken to their trials unless they paid bribes to the guards (see sections 1.d. and 1.e.), and visitors often had to bribe prison guards in order to visit prisoners. Similarly, detainees who wished to avail themselves of the vocational training offered at some facilities had to pay bribes before being allowed to attend. Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. Prisons often did not provide adequate medical care to inmates. Prisoners immobilized by AIDS or who had terminal illnesses were not transferred to hospitals.

According to the Directorate of Prisons, the police and the military held approximately 13,500 prisoners and detainees in 35 prisons with an intended capacity of approximately 9,000. Virtually all prisons experienced extreme overcrowding. La Victoria prison, the largest in the country, held more than 4,300 prisoners in a facility designed for 1,600, with beds for fewer than 1,800 inmates. Officials estimated that the entire prison system had 6,300 beds, leaving more than 7,000 inmates sleeping on the floor. Some existing beds were flammable and contained a toxic substance that several autopsies showed to be cause of death for deceased detainees.

Although a warden who reports to the attorney general was technically responsible for running each prison, in practice police or military officers (generally appointed for a period of only three to six months and responsible for providing security) were usually in charge of most prisons. A significant number of smaller prisons were co-located on military bases and were under actual military control, although military officers were untrained in corrections methodologies.

The press and human rights groups reported extensive drug and arms trafficking within the prisons, as well as prostitution and sexual abuse.

There were also reports of abuse of minors in custody, particularly at Najayo Prison for Minors, where prisoners were reportedly punished by being handcuffed to a fence in the hot sun, sometimes for hours at a time. When public defenders reported the abuse to the public prosecutor's office, the latter immediately fired several guards in connection with the complaints. The same public defenders reported that conditions at the prison had improved by year's end with the appointment of a new prison director.

There were reports that police officials convicted of criminal activity, including a few known human rights abusers, were interned in a Santo Domingo facility known as the "Special Prison for Police Agents." Prisoners at this facility reportedly had access to a wide range of amenities, including flexible movement restrictions, a restaurant, a shooting range, and a bar.

There were a number of deaths due to negligence in the prisons. On May 26, a prison fight resulted in the death of Damian Rafael Polanco Diaz. Critics alleged that the practice of holding inmates together in overcrowded, poorly supervised prisons made it difficult to prevent incidents of this nature.

Following the March 2005 riot and fire that killed at least 136 inmates and injured 26 in Higuey prison, authorities announced that they would file murder charges against prisoners and law enforcement officials who were involved, and they arrested five inmates in connection with the case. The public prosecutor's office transferred the case to San Francisco de Macoris, where it remained active at year's end. In November investigative reporting by the newspaper *Clave Digital* revealed that prosecutorial authorities misplaced key files associated with the case in March. Allegedly this was at least part of the reason that no convictions had been obtained by year's end, nearly two years after the fire took place.

Female inmates generally were separated from male inmates, and instances where male and female prisoners were held together ceased around September, when all female inmates had been moved to model prisons or wings thereof. Half of the total female population was held in a females-only prison. Conditions in the prison wings for females generally were better than those in prison wings for males. Female inmates, unlike their male counterparts, were prohibited from receiving conjugal visits. Those who gave birth while incarcerated were permitted to keep their babies with them for a year.

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

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

Pretrial detainees were held together with convicted prisoners. The Directorate of Prisons estimated that only 37 percent of the detainees in prison as of September had been convicted; another 57 percent were awaiting trial while the remaining 6 percent had a trial in process. In certain prisons, the vast majority of prisoners had not been convicted of a crime but rather were held awaiting trial. Of the inmates in Puerto Plata and Higuey prisons, 90 percent and 87 percent, respectively, were pretrial detainees.

There were also insufficient efforts in place to segregate and provide services to the mentally ill, especially at traditional prisons. There were confirmed reports of inmates suffering afflictions such as severe bipolar disorder who were kept alongside other inmates and denied prescription medication at La Victoria, the country's largest facility.

Prison authorities continued to revamp certain prisons to create "model" facilities; they improved the aging physical plant of existing facilities, replaced the police and military administration with professionally trained corrections officers, and focused on rehabilitation of and vocational

training for inmates. To support this effort, authorities established a training program for specialized corrections officers to ease the shortage of professionally trained prison personnel. As of September, authorities had converted nine prisons to the new model, and human rights organizations and the press reported improved conditions and respect for human rights at the renovated facilities. The Inter-American Commission on Human Rights (IACHR) special rapporteur on the rights of persons deprived of liberty visited the country in August, and subsequently the IACHR noted that opening new prisons had improved the situation of a significant number of prisoners.

Despite improvements in the new prisons, unrest among the inmates at certain locations continued. On July 27, guards shot and wounded two inmates and injured several others during a riot and subsequent fire at Rafey-Men's prison. The detainees were protesting poor food quality, the infrequency of conjugal visits, and the uniforms required for inmates under the new prison model.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

In an effort to stem a rise in crime, in June the armed forces began providing troops to support the National Police in its nightly patrols of Santo Domingo, Santiago, and other areas of the country. The mixed-unit patrols prompted recruitment of 2,600 additional members of the armed forces. As of year's end, authorities had received no complaints of human rights abuses by these mixed-unit patrols.

The National Police responded more transparently and effectively to allegations of police misconduct than in past years. In a change instituted by the new chief, formal reviews took place whenever a member of the police was involved in a death by shooting. The Internal Affairs Unit of the National Police conducted these inquiries, and the unit improved its ability to conduct fair and impartial investigations. Representatives from the public prosecutor's office provided assistance to and oversight of investigations, but police reported that their participation was not consistent. Allegations of criminal misconduct were forwarded to civilian criminal courts, which have full jurisdiction to prosecute offenders (see section 1.e.).

The Internal Affairs Unit reported that its investigations had resulted in 628 findings of criminal misconduct against members of the National Police over the first 10 months of the year. Two-thirds of these cases involved physical aggression, death threats, improper use of a firearm, verbal aggression, muggings, or theft. These findings of misconduct represented a significant improvement over the impunity that existed in previous years.

Authorities discharged police officers for violent attacks, extortion, drug use, and trafficking, and removed from duty all members of the DNCD unit in the town of Bona0 due to multiple accusations of illicit activity. Significant problems of this nature remained, in part because of insufficient background checks of police recruits. Many persons with prior criminal records allegedly were incorporated into police ranks, either under false names or with identification or recommendations from other state institutions, such as the army. Many members of the police force lacked basic education, received inadequate training, and showed weak discipline, all factors that directly contributed to unlawful or unwarranted killings and to cruel or inhuman treatment (see sections 1.a. and 1.c.).

On many occasions, police officials attempted to solicit bribes from individuals facing arrest or imposition of fines. Local human rights observers reported roundups of Haitian and Dominican-Haitian construction workers and other manual laborers. Officials allegedly took groups of darker-skinned or "Haitian-looking" individuals to empty buildings soon after they were paid to extort money from them.

In a revised police curriculum, both new and existing officers received human and civil rights training as well as increased technical training. The Institute of Human Dignity, a branch of the National Police, held more than 100 courses, seminars, and conferences, which were attended by 2,774 members of the National Police, armed forces, and civilians. From January to September, more than 2,500 participants graduated from the police course on respect for human dignity.

Training for military and DNCD enlisted personnel and officers included instruction on human rights. The Military Institute of Human Rights offered diploma courses in human rights and regularly sent representatives to border units to conduct mandatory human rights training. Approximately 7,000 participants from the military and civil society received training during the year.

Systems for monitoring and sanctioning abuses of human rights improved somewhat during the year. In response to the public perception of police corruption, the National Police reinstated a system to provide every police officer with visible identification.

Arrest and Detention

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

Despite the foregoing provisions, at times the police detained suspects for investigation or interrogation beyond the prescribed 48-hour limit for detaining suspects without a warrant. Even so, successful habeas corpus hearings reduced these abuses significantly. Police often detained all suspects and witnesses in a crime and used the investigative process to determine the individuals who were innocent and merited release, and those whom they should continue to hold. Police occasionally detained relatives and friends of suspects in order to pressure suspects to surrender or to confess, but this practice diminished significantly after the Criminal Procedures Code came into force.

Given the inefficiency of the courts (see section 1.e.), the granting of bail served as a de facto criminal justice system, and defendants awarded bail rarely faced an actual trial. Although few defendants were granted bail, bail became more common under the new code, which requires judicial review of detentions at an earlier point in a criminal case.

Most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. The National Office of Public Defense, with foreign donor support, provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing despite significant expansion of the public defender's office. The government continued its program to train public defenders on relevant changes caused by implementation of the Criminal Procedures Code, giving an advantage to defendants who secured one of these attorneys. In addition, the government implemented measures to improve the public defender program, including use of full-time public defenders, and increased salaries approximately 300 percent.

Despite the police chief's representations to the contrary, police continued the practice of making sporadic sweeps or roundups in low-income, high-crime communities, during which they arrested and detained individuals without warrants, allegedly to fight delinquency. During these sweeps, which increased following a crackdown on crime in June, police arrested large numbers of residents and seized property, including motorcycles, other vehicles, and weapons. Prosecutors often lacked the resources to investigate cases fully. Instead, prosecutors often depended on police reports, many of which were based on forced confessions.

Many suspects endured long pretrial detention. Under the Criminal Procedures Code, the judge has authority to order a detainee to remain in police custody for a period between three months and one year. According to the Directorate of Prisons, average pretrial detention decreased but still typically was between three and six months. Time served in pretrial detention counted toward a sentence.

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

The failure of prison authorities to produce the accused for court hearings caused a significant percentage of trial postponements (see section 1.e.). Inmates often had their court dates postponed because they were not taken from the prison to court or because their lawyer or witnesses did not appear. Reports indicated that the government lacked the funding to transport several defendants between prison and court. Despite additional protections for defendants in the Criminal Procedures Code, in some cases the authorities continued to hold inmates beyond the mandated deadlines even though there were no formal charges against them. In some instances, a defendant appeared before the judge on the scheduled trial date, but the trial could not go forward due to the absence of one or more co-defendants. The decision of the trial judge to postpone cases with multiple defendants prejudiced defendants who complied with the law by appearing as originally scheduled.

The judiciary successfully implemented a number of measures to reduce the large backlog of criminal cases under the old Criminal Procedures Code, and the Supreme Court assigned special judges (Courts of Liquidation) dedicated solely to resolving them. On September 27, the court mandated dismissal (with leave to refile) of all "old" criminal cases that had not received final judgment.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, public and private entities continued to undermine judicial independence. The judiciary continued to receive training on the Criminal Procedures Code to help create and maintain professional standards, with the judges receiving on average more than 70 hours of training. However, undue influence remained a problem.

The judiciary includes a 16-member Supreme Court, appeals courts, courts of first instance, and justices of the peace. There are specialized courts that handle tax, labor, land, and juvenile matters. The Supreme Court is responsible for naming all lower court judges according to criteria defined by law. The government established 17 of the 25 tribunals provided for by law and five courts of appeal for children and adolescents. The Code for Minors outlines the judicial system for criminal cases involving juveniles and family disputes.

Trial Procedures

The law provides for a presumption of innocence, the right of appeal, and the right to confront or question witnesses. The law establishes a citizen's right not to be deprived of liberty without trial or legal formalities or for reasons other than those provided by law, the right against self-incrimination, and the right to a defense in an impartial and public trial. Defendants have the right to remain silent. Although authorities violated these rights in some cases, adherence to due process generally improved after enactment of the Criminal Procedures Code.

The new code replaced the inquisitorial model with one that emphasizes respect for human rights, offers more expeditious judgments, includes anticorruption measures and means for alternative conflict resolution, and ensures due process for both defendant and victim. The new code grants all prisoners the right to have their attorneys present while they are being questioned, which was not previously the case for those arrested on narcotics charges. Defendants in cases processed under the new code appear to have received greater legal protection than their predecessors previously received.

Because of the additional protections for defendants under the new code, some commentators attributed the increase in crime during the year to the ability of defendants to obtain bail or to have their cases dismissed on "technicalities." Some police officials and other public officials asserted that the safeguards contained in the code were responsible for the rise in crime. A recent study undertaken by the Foundation for Institutionalism and Justice appeared to offset that argument, showing evidence that the success rate for reaching final judgments in criminal trials was higher under the new code than under the previous system.

During the year the Public Ministry began implementing a law designed to create a civil service career track for prosecutors. It hired 100 new career prosecutors and trained and certified them along with an additional 27 current prosecutors. Although a large majority of current prosecutors did not have career status, the National School of the Public Ministry provided continuing training to prosecutors on the new Criminal Procedures Code and established criteria to convert prosecutors from political appointee to career status. Judges and public defenders received similar training in prior years.

Although military and police tribunals previously exercised exclusive jurisdiction over cases involving members of the security forces, cases of killings allegedly committed during the year by members of the security forces were remanded to civilian criminal courts (see section 1.a.).

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There are separate court systems for claims under criminal law, commercial and civil law, and labor law. Commercial, civil, and labor courts reportedly suffered lengthy delays in adjudicating cases, although their decisions were generally enforced. As in criminal courts, undue political or economic influence in civil court decisions remained a problem.

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

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

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

In late November the news corporation Color Vision fired popular journalist Adolfo Salomon from his job in response to complaints by high-level officials in the Catholic Church and the armed forces. Salomon had angered the church during a November 28 news conference at which Cardinal Nicolas de Jesus Lopez Rodriguez criticized homosexuality. After the cardinal's remarks, Salomon asked him about his feelings on homosexuality within the church. Lopez Rodriguez responded aggressively, questioning Salomon's ethics and professionalism. Secretary of the Armed Forces Ramon Aquino, reportedly with the help of the cardinal, then personally contacted Color Vision to demand that Salomon be reprimanded. His employer complied by firing him the next day.

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

There were occasional reports of harassment of journalists. During the first nine months of the year, the National Journalists' Union recorded three killings and 19 other instances of assault or harassment of journalists in the country, although most of these appeared random or unrelated to the victims' professions. An August attempted killing targeted Arelis Pena Brito, deputy editor-in-chief of El Caribe newspaper, while she was driving home with her family. The motive for the attack was not known, and the assailant, who fired multiple gunshot rounds from a motorcycle while driving alongside the family's vehicle, was not apprehended.

On August 15, head bodyguard Mateo Vazquez of the first lady's security detail reportedly roughed up Clave Digital photographer Orlando Ramos as Ramos tried to photograph her during a cultural event. Police held the photographer in custody overnight even though he had broken no laws.

The Press Freedom Committee of the Inter-American Press Association publicly complained in March of the "sluggish and ineffective" response of justice officials to calls to apprehend and prosecute those suspected of crimes against journalists. Subsequently, arrests were made in the unrelated 2004 cases of the murder in Azua of radio journalist Juan Andujar and the attempted shooting in Santo Domingo of broadcast journalist Euri Cabral. At least one of the victims allegedly was targeted due to independent reporting that linked corrupt officials and gang leaders to criminal acts.

Internet Freedom

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

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

In April police injured 18 demonstrators in Barahona who were protesting the presence of a foreign military humanitarian mission. According to press reports, police fired on the gathering without warning or apparent provocation as it was commencing.

In August university students announced a protest event in the colonial zone in Santo Domingo, but failed to obtain permission from the district administrators; police barred the event and briefly detained one of the organizers. The event was held at a different site one month later without controversy.

Freedom of Association

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

c. Freedom of Religion

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

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

Societal Abuses and Discrimination

Relations among various religious congregations were harmonious, and society was generally tolerant with respect to religious matters.

The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

Although the law provides for these rights, and the government generally respected these provisions in practice, there were some

exceptions. Local and international human rights groups charged that there was discrimination against Haitian migrants and that they were subject to arbitrary and unjustified action by the authorities (see sections 5 and 6).

The government refuses to recognize the citizenship of Dominican-born children of parents who are not legal residents and does not grant identity documents to them, a policy that most commonly affected persons of Haitian descent. There were hundreds of thousands of persons who lacked citizenship or identity documents and faced obstacles in traveling both within and outside of the country (see section 5).

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution. This protection generally applied to individuals who gained access to the refugee process and had been issued proof that they were refugees or had applications pending. However, the government did not apply standards agreed upon with the office of the UN High Commissioner for Refugees (UNHCR) to improve receipt and adjudication of refugee claims. The UNHCR withdrew its personnel from Santo Domingo in July 2005 and subsequently monitored migration and refugee issues from a regional office outside the country.

An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of the National Commission for Refugees, which is chaired by the Foreign Ministry. The subcommittee has the responsibility of making a recommendation to the commission, made up of members from the Foreign Ministry, the DNI, and the Migration Directorate. The full commission has responsibility for the final decision on the application. The commission includes the three members of the subcommittee, the legal advisor to the president, and members from the National Police, the Ministry of Labor, and the attorney general's office.

In August authorities detained Haitian citizen Michelove Jean Francois en route to Ecuador while she was attempting to transit legally in Santo Domingo's airport. She was traveling under auspices of a UNHCR-sponsored family reunification procedure. Immigration inspectors incorrectly presumed that her valid Ecuadorian visa was fraudulent and confined her with 17 men identified for deportation to Haiti. According to Francois and the NGO that assisted her, during her 24-hour-long confinement she was denied both food and water. UNHCR and the NGO supporting the family reunification procedure requested her release and were eventually able to facilitate her travel to Ecuador.

As of October the Migration Directorate reported more than 300 applications, nearly all made by Haitians. Some of these cases had been awaiting decision since 2000. In 2005 the National Commission for Refugees reviewed and granted asylum in five cases, three of which were submitted by members of the same family. That was the committee's first meeting in 10 years. According to the Jesuit Refugee Service, an NGO, thousands of other asylum seekers submitted claims that had not been processed, leaving those individuals in a state of legal limbo. Most of these individuals lacked documentation sufficient to obtain permission to work legally and to exercise other rights, such as obtaining documentation for their children.

In June the Committee of Political Refugees Unified for Their Rights sent a letter to the UNHCR highlighting the problems facing Haitian asylum seekers and requesting that a permanent UNHCR representative be stationed in the country. The committee reported that Haitian refugees applying to renew valid residence documents were sometimes deported when immigration officials were unable to locate their records in the government's inaccurate database.

The 1951 UN Convention relating to the Status of Refugees provides that children born to refugees also be entitled to refugee status. There were reports that children born to Haitian refugees--even those born to holders of migration documents--were routinely denied birth certificates as well as education, health, and security documentation (see section 5). In this respect they received the same treatment as any undocumented Haitian migrant.

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

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

Elections and Political Participation

In 2004 PLD candidate Leonel Fernandez won the presidency in an election described as generally free and fair by the Organization of American States, the National Democratic Institute, and the International Foundation for Electoral Systems, as well as by the government electoral board and the NGO Citizen Participation. In May observers described the congressional and municipal elections as generally free and fair.

By law parties must reserve for women 33 percent of positions on their lists of candidates for the national House of Representatives and city councils; in practice the parties often placed women so low on the lists as to make their election difficult or impossible. Women held three cabinet posts in the Fernandez administration. There were two women in the 32-member Senate, 33 women in the 178-member House of Representatives, and five women on the 16-seat Supreme Court.

Government Corruption and Transparency

The NGO Transparency International and others reported that perceptions of severe corruption persisted, even as government officials worked on bringing to trial a series of high-profile private and public sector corruption cases, the latter largely involving officials from the administration of former president Mejia. The use of nonjudicial sanctions (e.g., dismissal, transfer) against armed service members, police officers, and other minor governmental officials engaged in bribe taking and other corrupt behavior provided insufficient incentive to check pervasive petty corruption.

Complicating this problem was a widespread attitude of tolerance towards at least some forms of corruption in society. In December results of a poll conducted by the Pontifical Catholic University showed that 82 percent of survey participants found corruption to be at least somewhat tolerable. More than 67 percent of respondents reported that they would suggest to their friends or family payment of a bribe in order to expedite an administrative process.

Government officials who took action against corruption were threatened. The chief safety inspector of the Aviation Authority, Angel Christopher Martinez, was shot to death, probably by criminal elements, in response to his refusal to countenance operation of aircraft that he considered unfit or unauthorized to fly. In the months before his killing, narcotics smugglers reportedly approached Martinez, offered him bribes, and made threats in an effort to persuade him to look the other way.

A presidential commission for ethics and against corruption continued to function, although its work was not well defined or well known by the general public. The office of the inspector general of the judiciary, headed by the president of the Supreme Court, publicized procedures for citizens to initiate complaints by telephone or the Internet. That office terminated several lower-ranking judges for improprieties.

In February President Fernandez issued a temporary decree, which entered force on June 1, designed to increase transparency in contracting, bidding, and procurement for public works. Despite numerous limitations and escape clauses, civil society commentators called the decree "a step in the direction of better controlling the mechanisms of governmental corruption." The decree remained in effect until August 18, when it was supplanted by legislation addressing these issues.

Judicial proceedings in three major bank fraud cases moved forward, although doubts about the pace of progress remained. In February a three-judge review panel voted two to one to uphold five criminal indictments related to the 2003 collapse of Banco Intercontinental (Baninter). Civil society commentators considered the trial, which began in May, to be a major challenge to impunity; two of the principal defendants, Baninter former president Ramon Baez Figueroa and economist Luis Alvarez Renta, reportedly had strong ties within local political circles. In August a judge delivered a guilty verdict against the principal defendant in the 2003 collapse of Bancredito. An additional case regarding the fraudulent 2003 collapse of Banco Mercantil was in preliminary stages at year's end.

In September an appeals court upheld fraud and embezzlement convictions for 10 defendants involved in a Mejia-era transportation modernization program known as Plan Renove. The trial court originally found that a number of former government and private sector transportation officials defrauded the government of approximately \$60 million (1.8 billion pesos) through bribes, bidding irregularities, and outright graft in the purchase of replacement vehicles for the country's aging transport fleet.

The law provides for public access to government information, with limits on the availability of public information only under specified circumstances (such as to protect national security), and penalties of up to six months to two years in prison and a five-year ban from positions of public trust for government officials who obstruct access to public information. A court may review the decision of an agency to deny access to information. On November 29, Senator Francisco Dominguez Brito, a former attorney general, publicly declared that the access to information legislation was ineffective because it was under-used by the citizenry.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

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

The government has not implemented a 2001 law mandating the creation of a human rights ombudsman's office with authority over public sector problems involving human rights, the environment, women's issues, youth issues, and consumer protection.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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

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

Also in the National District, in November authorities created a special police unit to respond to complaints of domestic violence and to enforce court orders in favor of battered women and children.

During the year the Violence Prevention and Attention Unit received 10,281 domestic violence complaints in the National District. This number appeared to be growing; the second half of the year saw nearly 30 percent more complaints than were submitted in the first six months, which may have reflected a growing awareness of the resources available to victims.

The number of restraining orders these offices issued gradually increased after July, and in the month of December, of the 922 domestic violence and sexual assault complaints received, 30 percent prompted restraining orders or orders for preventive arrest. Victim assistance specialists in the National District reported satisfaction with the cooperation they received from local law enforcement authorities, especially after the creation of the specialized police unit in November.

However, these resources were available only to those living in the National District. Victims of domestic violence and sexual assault in other parts of the country continued to suffer from a lack of resources for victims and insufficient funding for police, investigators, and prosecutors. Even so, the National District had a reputation for being a laboratory for country-wide changes, and officials from the Violence Prevention and Attention Unit said that plans were being devised to extend its programs to other parts of the country.

The National Directorate for Assistance to Victims, created in 2005, coordinates efforts of official and nongovernmental institutions that offer services to victims of violence. It opened three offices in Santo Domingo and another three at locations around the country. These offices not only accepted criminal complaints from victims of violence throughout the country but also provided counseling and protection services and, when necessary, referrals to medical or psychological specialists.

The attorney general's office and the Secretariat of Women, as well as various NGOs, conducted outreach and training programs on domestic violence and legal rights. In its October session, the IACHR held a hearing on the situation of violence against women in the country.

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

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

Prostitution is legal, although there are some prohibitions against sex with minors, and it is illegal for a third party to derive financial gain from prostitution. However, the government usually did not enforce prostitution laws. Sex tourism remained a serious problem, particularly in Las Terrenas, Sosua, and Boca Chica. Human rights groups reported continuing prostitution in sugarcane work camps and areas outside the capital. NGOs conducted programs on prostitution and child sexual exploitation for hotel and industrial zone workers, male and female prostitutes, and other high-risk groups. Trafficking in women and children was a problem (see section 5, Trafficking).

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

Although the law provides that women have the same legal status as men, in practice women experienced discrimination. Traditionally, women did not enjoy social and economic status or opportunity equal to those of men, and men held most leadership positions in all sectors. In many instances women were paid less than men in jobs of equal content and requiring equal skills. Some employers reportedly gave pregnancy tests to women before hiring them, as part of a required medical examination. Union leaders reported that pregnant women often were not hired and that female employees who became pregnant sometimes were fired. There were no effective government programs to combat economic discrimination against women.

Children

The government declared its commitment to children's rights and welfare and tried to increase protection for children, with emphasis on eliminating child labor. The Code for Minors established the National Council for Children and Adolescents (CONANI) as a noncabinet public agency to coordinate public policy to protect children's human rights and to administer the code. While the law stipulates that CONANI is to receive at least 2 percent of the national budget and that a minimum of 5 percent of municipal government budgets must be devoted to projects to benefit children, this requirement was not met.

Education is free, universal, and compulsory for all minors through the eighth grade, but legal mechanisms provide only for primary

schooling, which was interpreted as extending through the fourth grade. Although the Ministry of Education reported a 97 percent enrollment rate in grades one through eight in 2004, a government study estimated that the average grade level achieved by children in public schools was the fifth grade in rural areas and the sixth grade in urban areas. Many children of Haitian descent and children of undocumented citizens experienced difficulties gaining acceptance to school due to their lack of documentation and irregular status (see section 5, National/Racial/Ethnic Minorities).

Several government programs provided medical care for children in public hospitals, but these programs, as well as all other medical programs, faced severe budget limitations.

Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. Of the 10,281 domestic violence and sexual assault complaints filed during the year in the National District, nearly a quarter (2,434) involved allegations of child abuse. CONANI asserted that three of every 10 children in Santo Domingo had been sexually abused. Few such cases reached the courts, due to fear of family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that in 85 percent of abuse cases, the accused was a person close to the child, such as a family member or close family friend. The law provides for removal of a mistreated child to a protective environment.

Local monitors believed that instances of child abuse were underreported because of the social norm that such problems should be dealt with inside the family. The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor (see sections 5, Trafficking, and 6.d.). The law provides penalties of between two and five years' incarceration and a fine of three to five times the monthly minimum wage for persons found guilty of abuse of a minor. The penalty is doubled if the abuse is related to trafficking.

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

Trafficking and sexual exploitation of children within the country were problems, particularly in popular tourist destinations (see section 5, Trafficking). Adolescent girls and boys from poor families sometimes were enticed into performing sexual acts by the promise of food or clothing.

In July authorities filed charges against Ernesto Lisandro Santos Disla, accused of operating a child pornography network over the Internet from San Francisco de Macoris. In September police in Santo Domingo raided a number of Internet cafes in search of child pornography. At the request of the attorney general, police continued to close bars, nightclubs, and "massage parlors" used for child prostitution and sexual exploitation of women.

Child labor was a serious problem in the informal sector of the economy (see section 6.d.).

Trafficking in Persons

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

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

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

International groups estimated that between 30,000 and 50,000 Dominican women worked in prostitution around the world, a substantial portion of whom were victims of trafficking. Principal destination countries were in Europe, the Caribbean, and Latin America, and included Argentina, Australia, Austria, Brazil, Costa Rica, Germany, Greece, Italy, the Netherlands, Panama, Spain, St. Maarten, and Switzerland. Traffickers in the Caribbean maintained and in some cases strengthened their networks. Women 18 to 25 years of age were at the greatest risk of being trafficked. Many victims were uneducated single mothers desperate to improve the living conditions of their children.

On November 10, authorities rescued six trafficked Venezuelans in the Hotel Kay in Santo Domingo. The victims alleged that they had been contracted under false pretenses but upon arrival were confined in the hotel and forced to prostitute themselves. Authorities arrested and confined in preventive custody two individuals in connection with the case.

There were conflicting reports that sugarcane plantations around the country had ceased the practice of transporting new undocumented workers from Haiti. Such workers traditionally played a crucial role in the sugar industry, but they were forced to live in conditions that were described as modern-day slavery (see section 6.e.). The apparent discontinuation of this practice was attributed to government crackdowns on Haitian immigration, investment by private sugar producers in mechanization, and the cessation of large-scale cane harvesting on government-owned plantations. However, at year's end there were allegations that some employers, specifically the Vicini Corporation, had resumed the practice of importing undocumented workers for the sugar fields.

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

Some elements within the tourist industry facilitated the sexual exploitation of children. Particular problem areas were Boca Chica, Las Terrenas, and Sosua.

The government made some efforts to investigate, fire, and prosecute public officials who facilitated, condoned, or were complicit in trafficking activities or migrant smuggling. In June the attorney general suspended and later fired Maria Asuncion Santos, district attorney for San Cristobal. The dismissal took place after one of her subordinates was accused of involvement in a trafficking scheme that lured citizens with false offers of employment in Spain.

At year's end 29 public officials, including a city mayor and an assistant director of immigration, were in prison on charges of conspiring to falsify official travel documents in order to smuggle large numbers of persons (mostly women) to several European countries. Authorities accused the officials, from a variety of government agencies, of involvement in a trafficking network that accumulated nearly \$1.5 million (45 million pesos) over six months. The first arrests were made in September 2005, but as further investigations revealed more extensive involvement, arrests continued to be made throughout the year.

In August authorities fired police Major Rafael Elpidio Fernandez Garcia from his job and placed him and his wife in preventive detention on trafficking charges. The suspects were accused of operating a trafficking network between the country and Spain.

In other cases, government prosecutors appeared reluctant to pursue criminal charges against public officials involved in trafficking. On June 23, Colonel Juan Reyes Santana of the La Caleta firefighters was arrested on suspicion of involvement in alien smuggling. According to witness testimony, Reyes Santana collected \$3,000 (90,000 pesos) each from eight individuals in exchange for fraudulently securing them visas to travel under the auspices of a firefighter training program. Although authorities fired Reyes Santana from his job, as of year's end they had declined to pursue criminal charges against him.

Human rights organizations alleged the involvement of some diplomatic missions in organized trafficking operations. In August the Haitian government launched an investigation into allegations that its consulate in Barahona was linked to a network smuggling Chinese nationals. Consulate supervisor Pierre Laud Lagrenade was suspended from his duties, convicted in Haiti on charges of trafficking, and sentenced to 15 months in prison.

NGOs alleged corruption among the military and migration officials stationed at border posts and noted that these officials sometimes facilitated the illegal transit of Haitian workers into the country. There were also elements within the Migration Directorate and the National Police that organized or facilitated the smuggling of aliens through the international airports.

In January, 25 Haitian citizens died from asphyxiation in the back of a truck while being smuggled from Haiti to Santiago. An investigation by the public prosecutor resulted in criminal indictments against 10 civilians and seven military officials accused of accepting bribes in exchange for looking the other way.

Within the attorney general's office, the Department of Alien Smuggling and Trafficking in Persons secured further convictions against human smugglers and traffickers. According to the IOM, there were 11 convictions for trafficking-related offenses in the first 11 months of the year. The May conviction of Wilson Charles on charges of trafficking in persons and child sexual exploitation resulted in a sentence of 15 years in prison.

Authorities arrested five suspects on trafficking charges related to a case in July involving 11 women promised work in Spain but defrauded of their possessions and left abandoned in Italy, Turkey, and Peru. The suspects remained in preventive detention in Najayo Prison and awaited trial at year's end.

Since 2004 the Venezuelan embassy received multiple complaints from trafficked Venezuelans victimized by a Dominican-Venezuelan company named Literatura Universal. The embassy repeatedly communicated its concerns about the problem to the foreign ministry and others, but as of year's end it had not received a satisfactory response. The company remained in operation and reportedly continued to traffic Venezuelans.

Some cases, especially those perceived to involve politically well-connected suspects, continued to languish. A series of delays and postponements plagued an early 2005 case against a group of Colombian and Dominican traffickers, one of whom was a former leader of the Dominican Communist Party and another of whom was a former employee of Literatura Universal. After a series of delays, the accused were found guilty in February of operating a criminal network that trafficked young Colombian girls into the country to work as prostitutes. The accused were allowed to go free pending sentencing hearings, which were repeatedly postponed due to the failure of the accused to appear in court. The convicted traffickers remained free at year's end.

The government provided some assistance to trafficking victims both overseas and in the country. The Secretariat of Foreign Affairs developed a worldwide network of consular officers trained to recognize and assist victims of trafficking. The government continued working with NGOs to develop job-training programs for returned women. When trafficked individuals were repatriated from abroad, they were given a control record that went into their official police record and were interviewed by a migration inspector. According to COIN, most victims

were too embarrassed or frightened to seek legal action against traffickers, and victims received limited or no psychological counseling. COIN worked to develop relationships with embassies and consulates that serve trafficked victims and with other NGOs in destination countries that serve similar populations. There were several church-run shelters that provided refuge to children who escaped prostitution.

The Prevention Unit of the Department of Alien Smuggling and Trafficking in Persons, in coordination with the Secretariats of Labor and Education, conducted outreach training at schools around the country. The courses warned children of the dangers of alien smuggling, commercial sexual exploitation, and trafficking and were given to an estimated 2,130 adolescents during the first eight months of the year.

COIN and the IOM counseled women planning to accept job offers in Europe and the eastern Caribbean about immigration, health, and other problems, including the dangers of trafficking, forced prostitution, and forced domestic servitude. COIN administered the Center for Health and Migration Information for Migrant Women, which carried out community education campaigns in high-risk areas on these issues, as well as citizenship documentation and legal work requirements. With IOM support, COIN also provided a minimal level of clinical services and adult education classes for returned women.

Persons with Disabilities

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

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

National/Racial/Ethnic Minorities

There was significant racial prejudice against persons of dark complexion, and the government did little to address the problem. Acts of discrimination were common, ranging from the petty to the more serious. In particular there were strong prejudices against Haitians, which disadvantaged many Haitians and Dominicans of Haitian ancestry, as well as other foreigners of dark complexion (see section 1.d.). Few government officials acknowledged the existence of this discrimination; others regularly and publicly denied that it existed.

Darker-skinned persons sometimes reported being denied entry into stores, nightclubs, and restaurants. In September a private security officer shot and killed 22-year-old student Alexandra Nunez Rodriguez at a popular Santo Domingo nightclub. The guard's employer catered to upper-class youth and was known periodically to deny entry to individuals of darker complexion. According to witness accounts, the victim, who was unarmed, was shot when the security officer's refusal of admission to her darker-skinned friend escalated into a heated argument. Authorities immediately launched an investigation and temporarily closed the club. At year's end they held the guard in preventive detention pending his trial but allowed the club to reopen in December.

Haitians continued to immigrate to the country in search of economic opportunity, and many of them were repatriated. Migration authorities and security forces conducted periodic sweeps throughout the year to locate and repatriate undocumented persons of Haitian descent, more than 26,000 of whom were deported during the year. This figure was 20 percent greater than in 2005, despite President Fernandez's mid-2005 promise to suspend so-called mass repatriations. Some of those removed from the country reported that they were denied the opportunity to demonstrate that they were legal residents, to make arrangements for their families or property, or to express a credible fear of persecution or torture if returned to Haiti. Migration officials and security forces sometimes confiscated and destroyed expellees' residency documents. In some cases expellees with appropriate legal documents received permission to return.

Efforts by the authorities to stem the influx of illegal Haitian immigrants made life more difficult for Haitians who were legally in the country. Police regulations permit the confiscation of vehicles offering transportation to illegal immigrants, a factor discouraging taxi and bus drivers from picking up darker-skinned persons. In roundups aimed at illegal immigrants, the authorities picked up and expelled darker Dominicans as well as Haitians legally resident (see section 1.d.).

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

Haitian consulates reported that they were legally authorized to register only those births that were declared within a year. Parents declaring a birth were required to submit valid forms of identification in order to file a claim. These requirements could not be met by a significant number of Haitian descendents in the country, and thus their children remained undocumented.

Government officials often took strong measures related to the sensitive issue of citizenship for persons of Haitian descent. Some provincial officials took steps to cancel birth certificates issued to persons of Haitian descent. The government stated that these cancellations were made based on evidence the certificates had been obtained fraudulently, but critics alleged that the revocations arbitrarily targeted persons whose names sounded Haitian. In November the foreign minister published a diplomatic note to a foreign ambassador sharply attacking alleged comments by the ambassador in favor of granting citizenship to the locally born children of Haitians who lacked residency. In fact, the ambassador's public comments had clearly been directed at the general problem that all children born of foreigners without residency face: the lack of a legal means to register birth, a key step in establishing identity (although not necessarily citizenship).

In September 2005 the Inter-American Court of Human Rights found that the government had violated the right to nationality of two young

Dominican girls of Haitian descent by denying them birth certificates. A December 2005 press release quoted the foreign minister as saying that even though the verdict against the country was unjust, the country would pay as instructed by the court. The foreign minister reaffirmed this in June. Despite these assurances, the government failed to comply with the ruling's provisions within the timeframe ordered by the court.

At year's end there were some indications that the government was working to develop a system to issue birth certificates to the children of nonresidents, a central component of the court's ruling. This registration process would not confer nationality but would assist the government in meeting its legal obligation to register all children born in the country.

Although a legal ordinance allows undocumented children to attend school through the fifth grade, some school administrators denied undocumented children access to school, particularly those who appeared to be of Haitian ancestry. NGOs reported that undocumented Haitian children were prevented from enrolling in school to a greater degree than were similarly undocumented Dominican children.

When permitted to attend primary school, the children of poor Haitian parents, like poor Dominican children in the same circumstances, rarely progressed beyond the sixth grade.

The IOM estimated that approximately 650,000 Haitian immigrants-- or 7.5 percent of the country's population--lived in shantytowns or sugarcane work camps known as bateyes, harsh environments with limited or no electricity, usually no running water, and no adequate schooling. Many of these settlements were associated with sugar mills that had been abandoned. Although some Haitians were brought to the country specifically to work in sugarcane fields, many had no documentation. Human rights NGOs, the Catholic Church, and activists described Haitian living conditions in bateyes as modern-day slavery. In many bateyes, as in many poor areas in other parts of the country, medical assistance either was rudimentary or not readily available. Housing in the bateyes was poor; many individuals slept in barracks on iron beds without mattresses or on dirt floors. Many families of five or more shared living quarters that measured as little as nine by 10 feet. Bathroom facilities, where available, were generally unhygienic, and cooking facilities were usually improvised. The availability of fresh food, including fruits and vegetables, was severely limited. Clean water was rarely available. Many batey residents, lacking documentation, felt they had little choice but to remain in their communities, where they felt relatively safe from the risks of deportation and harassment that existed elsewhere in the country.

Private sector enterprises in the sugar sector, including the Vicini Corporation, made improvements at some facilities during the year.

Other Societal Abuses and Discrimination

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

According to Amnesty International, HIV/AIDS activist Adonis Polanco received a number of anonymous death threats throughout the year.

Section 6 Worker Rights

a. The Right of Association

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

Although the law forbids companies to fire union organizers or members, it was enforced inconsistently, and penalties were insufficient to deter employers from violating worker rights. There were reports of harassment and intimidation by employers in an effort to prevent union activity, especially in the free trade zones (FTZs) (see section 6.b.). The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported incidents of antiunion activity at two of 13 production facilities belonging to apparel manufacturing firm Grupo M, one of the largest private sector employers in the country. Company management conducted a public campaign against union organizers and affiliates, which allegedly included firings and salary reductions targeting union members and the creation of a fraudulent rival union favoring company policies. At year's end a decision on the legality of this rival group remained pending.

b. The Right to Organize and Bargain Collectively

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

The law establishes a system of labor courts for dealing with disputes. While cases made their way through the labor courts, the process was often long and cases remained pending for several years.

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

disputes.

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

Government workers and essential public service personnel are not allowed to strike. Government-employed physicians of the Dominican Medical Association threatened to strike in midyear but cancelled their plan following last-minute negotiations with the president's office.

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

The Labor Code applies in the 57 established FTZs, which employed approximately 155,000 workers. According to the National Council of Labor Unions, unions were active in only four companies in the FTZs. Workplace regulations and their enforcement in the FTZs did not differ from those in the country at large, although working conditions were sometimes better and the pay was occasionally higher. Mandatory overtime was a common practice, and it was sometimes enforced through locked doors or loss of pay or employment for those who refused.

There were reports of widespread covert intimidation by employers in the FTZs in an effort to prevent union activity (see section 6.a.). Unions in the FTZs reported that their members hesitated to discuss union activity at work, even during break time, for fear of losing their jobs. Some FTZ companies were accused of discharging workers who attempted to organize unions. The majority of the unions in the FTZs were affiliated with the National Federation of Free Trade Zone Workers (FENATRAZONAS) or FEDOTRAZONAS. FEDOTRAZONAS estimated that fewer than 10 percent of the workers in the FTZs were unionized. Many of the major manufacturers in the FTZs had voluntary codes of conduct that included worker rights protection clauses generally consistent with the ILO Declaration on Fundamental Principles and Rights at Work. However, workers were not always aware of such codes or of the principles they contained.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and there no longer were reports that it occurred. In previous years managers regularly prohibited workers on sugarcane plantations from leaving during the harvest, but it appeared that this was no longer the case (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

While the law prohibits employment of children younger than 14 years of age and places restrictions on the employment of children under the age of 16, child labor was a serious problem. The Central Bank's Statistics Department estimated that throughout the first half of the year more than 157,000 children, including 15.7 percent of children between the ages of 14 and 17, engaged in some sort of work, although bank officials conceded that the actual proportion of child laborers was much higher than these statistics indicated. Regulations limited working hours of those between the ages of 14 and 16 to six hours per day, prohibited employment of those under the age of 18 in hazardous occupations or in establishments serving alcohol, and limited nighttime work. Fines and legal sanctions may be applied to firms employing underage children. While the government effectively enforced these regulations in the formal sector, child labor was largely a problem in the informal sector beyond regulatory reach.

The high level of overall unemployment, an insufficient social safety net, and the lack of educational or recreational alternatives created pressures on families to allow or encourage children to earn supplemental income. According to the ILO, 90 percent of child laborers began working before the age of 14. Child labor took place primarily in the informal economy, small businesses, private households, and agriculture. Children often accompanied their parents to work in agricultural fields, in part because parents had nowhere else to leave their children, since schools in the countryside were usually in session only for a few hours a day. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations (see section 5, Trafficking).

There was some inconclusive evidence that poor Haitian families arranged for Dominican families to "adopt" and employ their children, in hopes of assuring a more promising future for them. The adoptive parents were alleged to register the child as their own. In exchange the birth parents received monetary payment or a supply of clothes and food. In many cases adoptive parents were said not to treat the adopted children as full family members, expecting them to work in the households or family businesses rather than to attend school. This was alleged to result in a kind of indentured servitude for children and adolescents.

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

According to the Secretariat of Labor, approximately 28,000 children either actively working or at risk of exploitation benefited from child labor prevention and withdrawal programs. The National Steering Committee against Child Labor adopted a National Strategic Plan to Eliminate the Worst Forms of Child Labor. This plan set objectives, identified priorities, and assigned responsibilities so that exploitive labor could be efficiently tackled and the number of child laborers significantly reduced by 2016.

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

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

e. Acceptable Conditions of Work

The executive branch sets minimum wage levels for public workers, and the National Salary Committee sets levels for the private sector, with the exception of workers in the FTZs and the sugar, construction, hotel, and shoe manufacturing industries. The minimum monthly salary was approximately \$139 (4,450 pesos) in the FTZs and \$200 (6,400 pesos) outside the FTZs. The minimum wage for the public sector was approximately \$81 (2,600 pesos) per month. The daily minimum wage for farm workers covered by minimum wage regulations was approximately \$4.00 (130 pesos), based on a 10-hour day. The national minimum wage did not provide a decent standard of living for a worker and family.

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

On sugar plantations, cane cutters usually were paid by the weight of cane cut rather than the hours worked. Observers suspected fraud at some weighing stations and noted that employers sometimes did not provide trucks or carts to transport the newly cut cane at the end of the workday, causing workers to receive lower compensation because the cane dried out overnight and weighed less. The amount of cane a worker could cut varied, but many cane cutters earned less than \$2.50 (75 pesos) per day.

Conditions for agricultural workers were poor, particularly in the sugar industry. Most bateyes lacked schools, medical facilities, running water, and sewage systems and had high rates of disease. Company-provided housing was sub-standard (see section 5). Most sugarcane workers were Haitian or of Haitian descent. In some bateyes, employers withheld a portion of wages to ensure that workers returned to the fields for the next season's harvest. Sugarcane workers often did not receive medical services or pensions due them even though deductions were taken from their pay.

The Diocese of San Pedro de Macoris continued to promote worker rights in the bateyes and to seek a work contract for cane workers. Officials of the association of sugar industries criticized the priest heading this effort, who was abruptly recalled and departed the country in October. Media reports indicated that the diocese abandoned the many projects the priest had managed on behalf of batey residents.

The Dominican Social Security Institute (IDSS) sets workplace safety and health conditions. Both the IDSS and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The Secretariat of Labor had 185 active inspectors. Inspector positions customarily were filled through political patronage, and inspectors typically took bribes from businesses. Workers complained that inspectors were not trained and did not respond to health and safety complaints. While the law requires that employers provide a safe working environment, in practice workers could not remove themselves from hazardous working situations without losing their jobs.