



Country Report on Human Rights Practices 2015 - Dominican Republic

EXECUTIVE SUMMARY

The Dominican Republic is a representative constitutional democracy. In 2012 voters elected Danilo Medina of the Dominican Liberation Party (PLD) as president for a four-year term. Impartial outside observers assessed the elections as generally free and orderly despite irregularities, including allegations of voter fraud, unequal access to the media, and inadequacies in the legal framework that regulates the use of public resources and campaign financing. Civilian authorities failed at times to maintain effective control over the security forces.

The most serious human rights problem was discrimination against Haitian migrants and their descendants. In 2013 the Constitutional Tribunal ruled that Dominican-born descendants of individuals considered to have entered the country illegally, most of whom were of Haitian descent, were not entitled to Dominican citizenship.

Other human rights problems included extrajudicial killings by security forces; overcrowded and dangerously substandard prison conditions; arbitrary arrest and detention; lengthy pretrial detention; weak rule of law; impunity for corruption; chronic violence against women, including domestic violence, rape, and femicide; trafficking in persons; discrimination against persons based on sexual orientation or gender identity; and inadequate enforcement of labor laws.

Although the government began developing a national human rights plan in May and took steps to punish officials who committed human rights abuses, there was a widespread perception of official impunity, especially concerning officials of senior rank.

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

a. Arbitrary or Unlawful Deprivation of Life

Neither the government nor its agents committed politically motivated killings. There were reports, however, that security forces were involved in killings that were unlawful, unwarranted, or involved excessive use of force.

Statistics on police killings varied, but available information demonstrated a persistent problem. The National Police reported 128 persons killed in confrontations with police through September. According to the latest figures available, the National Human Rights Commission (NHRC), a nongovernmental organization (NGO), estimated that, through October, 160 persons were killed in confrontations with police and that unlawful or excessive use of force was evident in more than 70 percent of these killings. Human rights NGOs asserted that, as in previous years, police employed unwarranted or unlawful deadly force against some criminal suspects.

Although senior police officials defended the conduct of police in a high-threat environment, NGO reports indicated a high number of incidents in which police used force disproportionate force. On August 21, three police officers and a former member of the Dominican Army allegedly carjacked and killed Franchesca Lugo Miranda. Authorities ordered that the alleged perpetrators be detained for one year during the investigation, which continued at year's end.

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, there were reports that security force members, primarily police, carried out such practices. The Attorney General's Office reported police were involved in incidents that resulted in maiming or severe injury to unarmed civilians. Amnesty International reported the use of electroshocks during interrogation of suspects.

The law provides penalties for torture and physical abuse, including sentences of 10 to 15 years' imprisonment. Civilian prosecutors sometimes filed charges against police and military officers alleging physical abuse and related crimes. Civilian criminal courts handled cases of killings and other serious crimes, including physical abuse, allegedly committed by members of the security forces. Security forces handled some abuse cases internally, and NGOs reported many cases of human rights abuses remained unpunished.

The NHRC reported that police used various forms of physical and mental abuse to obtain confessions from detained suspects. According to local NGOs and the media, security officials mistreated civilians, detainees, convicted prisoners, and migrants. According to the NHRC, abusive methods used to extract confessions included suffocation by covering detainees' heads with plastic bags, hitting them with broom handles, forcing them to remain standing overnight, and hitting them in the ears with gloved fists or hard furniture foam so as not to leave marks. The NHRC received complaints from hundreds of former detainees alleging that they were handcuffed, hung from bars or nails by their handcuffs, and beaten when they attempted to put their feet on the floor. Other reported abuses included cases of illegal deportations, degrading treatment of prisoners, and mass roundups that were used by police as opportunities for extortion.

Senior police officials treated the prohibition on physical abuse and inhuman treatment seriously, but lack of supervision and training throughout much of the law enforcement and corrections systems undercut efforts to contain the problem.

Authorities assigned lawyers from the National District Prosecutor's Office to monitor the investigative process to ensure that detainees' rights were respected in high-volume police stations and in several National Drug Control Directorate offices.

Prison and Detention Center Conditions

Prison conditions in traditional prisons ranged from fair to extremely harsh. Threats to life and health included communicable diseases, poor sanitation, poor access to health-care services, a lack of well-trained prison guards, and prisoners brutalizing other inmates. These problems were exacerbated by overcrowding in traditional prisons and a lack of capacity to segregate tens of thousands of pretrial detainees and inmates with communicable diseases from the general prison population.

According to the Directorate of Prisons, military and police personnel guarded traditional prisons, while a trained civilian guard corps provided security at the 20 newer "model prisons," known as correctional and rehabilitation centers (CRCs), which generally met international standards.

Physical Conditions: As of September there were 24,806 prisoners held in 39 prisons with an overall intended capacity of 14,109. In addition authorities housed temporary detainees in the five "palaces of justice," which also included courts and attorney general offices. The CRCs were near capacity with 8,726 prisoners. Virtually all traditional prisons and detention centers were overcrowded. For example La Victoria prison, the largest and most overcrowded prison in the country, held almost one-third of the total prison population--8,039 inmates--in a facility designed for less than 2,011.

La Romana Prison was the only prison where facilities for male and female inmates were collocated, and there were separate standing structures at the prisons of Najayo, Bani, and Rafey for female prisoners. Police officers and former military members convicted of criminal activity were held in special sections of the prisons or the palaces of justice. Pretrial and sick inmates, however, were not separated from other inmates. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population. In traditional prisons prisoners must purchase their own medications. In some instances an infirmary at a facility may have donated supplies for inmates' use.

According to the Directorate of Prisons, as of September, 63 prisoners died in correctional facilities during the year. None of the deaths was attributed to abuse by prison guards.

Reports of mistreatment and violence in prisons were common, as were reports of harassment, extortion, and inappropriate searches of prison visitors. Some prisons remained effectively outside the control of authorities, and there were allegations of drug and arms trafficking, prostitution, and sexual abuse within prisons. Wardens at traditional prisons often controlled only the perimeter, while inmates ruled the inside with their own rules and system of justice.

On August 9, three inmates at the courthouse jail in San Francisco de Macoris were poisoned in an attempted killing of another inmate. As of October authorities were investigating the event.

On October 16, a riot occurred in the La Victoria prison between two major crime groups. One prisoner died, and six prisoners and three police officers were injured.

Although the law states that prisoners must be separated according to the severity of the criminal offense, authorities did not have the capability to do so. According to estimates from the Directorate of Prisons, 60 percent of inmates were in pretrial detention or preventive custody.

In the case of the CRCs, some prisoners with mental disabilities were separated and received treatment, including therapy, for their conditions. There were no efforts to provide services to prisoners with mental disabilities in traditional prisons.

Overcrowding and communicable disease were serious problems. Most reported deaths were related to illnesses, including tuberculosis and HIV/AIDS. In November the National Tuberculosis Control Program (NTCP) announced that the cause of death of three inmates at the Higüey jail was tuberculosis. Authorities visited the jail and removed approximately 80 inmates suspected of being infected with tuberculosis.

Health and sanitary conditions were generally poor, and prisons generally did not provide adequate medical care to inmates. Prisoners commonly slept on the floor because there were no beds available. Shower and sanitary facilities were often inadequate. More than 65 inmates in Najayo traditional men's prison shared one shower and toilet. The frequency of illness among prisoners rose due to overcrowding. The NTCP stated that tuberculosis and HIV/AIDS were the most common illnesses affecting detention center populations. As of October, 168 inmates were diagnosed with tuberculosis and 216 with HIV/AIDS. Common illnesses included colds, flu, bronchitis, upper respiratory infections, intestinal illnesses, gastroenteritis, skin infections, parasites, hepatitis, diabetes, and hypertension.

According to the Directorate for the Control of Sexually Transmitted Diseases and HIV/AIDS, 2 percent of the prison population was HIV-positive. The directorate reported that all prisons in the system provided on-site HIV/AIDS testing and counseling services. According to the Directorate of Prisons, all prisons provided HIV/AIDS treatment. The NHRC stated that, while the CRCs were able to provide HIV/AIDS treatment, none of the traditional prisons was properly equipped to provide such treatment. Inmates in the model prisons who had severe cases of HIV/AIDS or terminal illnesses were transferred to hospitals temporarily and often benefitted from requests to change their sentence to house arrest.

According to the director general of prisons, inmates received three meals per day, but many inmates in traditional prisons reportedly purchased food from persons in the vicinity of the prison, obtained it from family members, or resorted to begging. The NHRC reported that in some traditional prisons there was insufficient food and potable water to meet prisoners' needs.

Administration: Recordkeeping in prisons was inadequate, primarily due to lack of resources.

Public defenders provided legal services to prisoners and in some cases assisted with certain complaints. The Public Defender's Office had a single attorney, Zoila Ovalle, who carried the title

prison ombudsman, assigned to review prison complaints for the entire country. Ovalle had more than 400 cases in her portfolio. Some complaints were referred to the Directorate of Prisons.

Independent Monitoring: The government permitted visits and monitoring by independently funded and operated NGO observers and the media. Manuel Maria Mercedes, the director of the NHRC, served as a prisoner advocate. Prisoners could submit complaints regarding their treatment verbally or in writing, and most often did so through family members, lawyers, or human rights defenders.

Improvements: The government made advances with newer CRCs, where prisoners experienced better conditions compared with other facilities. The government continued to transition from traditional prisons, which held 65 percent of the inmate population, to the new model of prisons. In February the Directorate of Prisons opened the Comprehensive Center for Children in Conflict in the city of Los Alcarizos. The facility housed more than 150 at-risk young male violators and provided them with medical care, sports activities, and behavioral counseling. In August a new CRC for 700 inmates opened in the city of San Cristobal, with individual beds and space to pursue studies and the arts. In September the Directorate of Prisons opened a center for inmates ranging in age from 60 to 65. As of October the facility held 84 men, who received specialized nutrition, exercise, and psychological counseling services.

d. Arbitrary Arrest or Detention

The criminal procedures code prohibits detention without a warrant unless a suspect is apprehended during the commission of a criminal act or in other special circumstances. Authorities may detain a person without charge for up to 48 hours. Arbitrary arrest and detention continued to be problems, and there were numerous reports of individuals held and later released with little or no explanation for the detention. According to the NHRC, more than 100 persons were arbitrarily detained through September. NGOs reported that, although some detentions were a result of the National Regularization Plan (see section 2.d.), many of the detainees were Dominicans who authorities took into custody at the scene of a crime or during drug raids. Many of those taken into custody were fingerprinted, questioned, and released.

Role of the Police and Security Apparatus

The National Police, the Tourist Police, the National Department of Intelligence (DNI), the *National Drug Control Directorate*, the Airport Security Authority and Civil Aviation, the Metro Police, the Port Security Authority, the Border Security Corps, and the armed forces (army, air force, and navy) form the security forces. The Secretariat of Interior and Police is responsible for making policy decisions affecting police. The military, the Airport Security Authority and Civil Aviation, the Port Security Authority, and the Border Security Corps are under the minister of the armed forces; the DNI and the National Drug Control Directorate, which have personnel from police and armed forces, report directly to the president.

Police operated in a dangerous environment. Gun ownership was widespread, and the homicide rate was high, especially in urban areas. The National Police Department of Information and Statistics reported 1,142 killings through August, and police justified the use of deadly force as an appropriate response to gunfire from criminal suspects. According to the department, 31 police officers died in the line of duty through September.

Authorities fired or prosecuted police officers found to have acted outside of established police procedures. The department reported that 391 police officers were fired for misconduct through October.

The Internal Affairs Unit investigated charges of gross misconduct by members of the National Police. These cases involved physical or verbal aggression, threats, improper use of a firearm, muggings, and theft. The Internal Affairs Unit conducted 1,482 investigations from January to October. Of these, 188 were for excessive use of force, 211 for aggression, 137 for death threats, and 363 for corruption. The investigations resulted in recommendations for 391 dismissals and 397 disciplinary actions. Authorities pursued prosecution or investigation of high-level officials suspected of involvement in criminal activities to a lesser degree. The Internal Affairs Unit reported that, from January to October, it recommended 20 dismissals and 27 disciplinary actions for senior officers for illicit activities.

On August 24, authorities arrested three National Police agents and one former member of the army for the killing of an 18-year-old girl. The killing was tied to an attempted robbery of the girl and her companions. This incident received wide media coverage and evoked public calls against police abuse and corruption. At year's end the alleged perpetrators were serving 12-month preventative detention sentences while awaiting trial.

Training for military and National Drug Control Directorate enlisted personnel and officers and the National Police included instruction on human rights. The Ministry of the Armed Forces provided human rights training or orientation to officers of various ranks as well as to civilians during the year. The Border Security Corps conducted mandatory human rights training at its training facilities for several hundred border officers. The director of the Graduate School of Human Rights and International Humanitarian Rights reported that the school trained civilians and armed forces personnel. The school also had programs in which members of the armed forces and civilians from Congress, district attorney offices, the Supreme Court, government ministries, the National Police, and the Central Electoral Commission participated.

Arrest Procedures and Treatment of Detainees

The constitution provides that an accused person may be detained for up to 48 hours without a warrant before being presented to judicial authorities. It also provides for recourse to habeas corpus proceedings to request the release of those unlawfully held. The criminal procedures code establishes a more restrictive 24-hour time limit in which to make formal charges, which was generally observed. Any prisoner detained for more than 48 hours without being formally charged is entitled to file a motion of habeas corpus. The presiding judge at such a hearing is empowered to order the prisoner's release. The judge's decision to release a prisoner is subject to appeal by the district attorney.

The law also permits police to apprehend without an arrest warrant a person caught in the act of committing a crime or who could be reasonably linked to a crime, such as in cases involving hot pursuit or escaped prisoners. Police sometimes detained suspects for investigation or interrogation longer than 48 hours. 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. Successful habeas corpus hearings reduced these abuses significantly.

Although previously granted only to a few defendants, bail became more common under the criminal procedures code, which requires judicial review of detentions at an earlier point in a criminal case. Some defendants released on bail went into hiding. In some cases observers suspected that the granting of bail and subsequent disappearance of the suspect were due to corruption or inefficiencies within the judicial system.

The law requires provision of counsel to indigent defendants. The public defender's office represented defendants in approximately 80 percent of all criminal cases brought before the courts. The National Office of Public Defense provided legal advice and representation to indigent persons, but resource constraints resulted in inadequate levels of staffing, limited services, and lowered the quality of services provided. As a result most detainees and prisoners unable to afford defense services did not have prompt access to a lawyer. In October the Office of the Public Defense reported public defenders had caseloads of 350 to 750 cases, double to triple the standard load of 200 cases.

Prosecutors and judges handled interrogations of juveniles. The law prohibits interrogation of juveniles by or in the presence of police.

Arbitrary Arrest: Police made sporadic sweeps or roundups in low-income, high-crime communities during which they arrested and detained individuals without warrants. During these sweeps police arrested large numbers of residents and seized personal property allegedly used in criminal activity.

Pretrial Detention: Many suspects endured long pretrial detention. Under the criminal procedures code, a judge may order a detainee to remain in police custody between three and 18 months. According to the Directorate of Prisons, 60 percent of inmates were in pretrial custody. The average pretrial detention time was typically three months, but there were cases of pretrial detention lasting up to a year. Time served in pretrial detention counted toward completing a sentence. The Public Ministry continued implementing an automated case-tracking system that allowed prosecutors to track pretrial detention cases more effectively. Although not its primary purpose, the system reduced the number of occasions where pretrial detention exceeded the legal time limit. The NHRC reported that 65 percent of the inmates in the old prison system and 45 percent of inmates in the new prison system were pretrial detainees.

The failure of prison authorities to produce detainees for court hearings caused some trial postponements. Many inmates had their court dates postponed because they were not taken from prison to court or because their lawyer, codefendants, or witnesses did not appear. The NHRC reported that approximately 60 percent of prisoners were not brought to court on schedule and that, of those brought to court, almost all were required to pay for their transportation or pay a bribe to prison guards to be transported to their arraignment or trial. The government did not provide funding to transport all defendants between prison and court. Despite additional protections for defendants in the criminal procedures code, in some cases authorities held inmates beyond the legally mandated deadlines although there were no formal charges against them.

The judiciary created service offices in multiple cities to handle urgent matters requiring a judge, such as obtaining an arrest or search warrant and conducting arraignments. These judicial service offices were part of an effort to increase efficiency and reorganize the courts to conform to the criminal procedure code.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: There were isolated cases of asylum seekers being detained due to a lack of documentation (see sections 2.d. and 6).

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Despite increasing judicial independence, however, instances of political influence in decision making were still evident. Interference tended to be limited to public pronouncements regarding active cases and selective prosecution. On occasion it appeared that judges in superior courts attempted to influence lower-court decisions. In addition judicial corruption was a serious problem (see section 4).

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. The law also provides for a public defense attorney for every person unable to afford an attorney, but staffing levels were inadequate to meet demand. Trials are public, but juries are not used. According to the constitution and the law, defendants have the right to be present and consult with an attorney in a timely manner. The constitution also provides for the right to appeal and prohibits higher courts from increasing the sentences of lower courts.

There were credible allegations that authorities violated these rights in some cases, but there was improved adherence to due process as authorities became increasingly familiar with modifications to the criminal procedures code. The District Attorney's Office must notify the defendant and attorney of criminal charges as well as of evidence the office is to present in court. Defendants and attorneys have access to government-held evidence and may confront adverse witnesses, but only after the preliminary hearing, when the judge has approved the indictment. Defendants have the right to present their own witnesses and evidence.

Military and police tribunals shared jurisdiction over cases involving members of the security forces. While the tribunals have jurisdiction over cases involving violations of internal rules and regulations, civilian criminal courts handled cases of killings and other serious crimes allegedly committed by members of the security forces.

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 and civil 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. This remedy was not commonly used, except by those with sophisticated legal counsel.

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

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

Although the government denied using unauthorized wiretaps, monitoring of private e-mail, or other surreptitious methods to interfere with the private lives of individuals and families, human rights groups and opposition politicians alleged that such interference continued.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views with some restriction. The law criminalizes defamation and insult with harsher punishment for offenses committed against public or state figures than for offences against private individuals. A lawsuit in the Constitutional Court seeking annulment of several articles of the penal code and the Law on Expression and Dissemination of Thought that restrict journalistic freedom remained pending. Individuals and groups were generally able to criticize the government publicly and privately without reprisal, although there were several incidents in which authorities intimidated journalists or other news professionals.

Violence and Harassment: Journalists and other persons who worked in the media were occasionally harassed or physically attacked.

In July authorities confirmed the discovery of the body of journalist Blas Olivo, who went missing in April after a family outing. The president of the Dominican College of Journalists claimed that Olivo’s death was a premeditated murder, and the college presented President Medina with a formal request for a new investigation into Olivo’s death. Authorities arrested several suspects in the case and charged them with robbery and murder. Their trial was pending at year’s end.

Multiple journalists reported receiving death threats during the year in connection with stories they covered. On August 12, Franklin Guerrero, a journalist and photographer for NCDN television and

radio, reported that he received death threats from one of the former wives of a senator who was on trial for embezzlement.

Censorship or Content Restrictions: The constitution provides for protection of the confidentiality of journalists' sources and includes a "conscience clause" allowing journalists to refuse reporting assignments. Nonetheless, journalists practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of media owners. Media outlets restricted the release of names of journalists covering stories connected to drug trafficking and other security matters in the interest of protecting them.

Nongovernmental Impact: On February 2, four journalists--Juan Bolivar Diaz, Huchi Lora, Amelia Deschamps, and Roberto Cavada--who were known for taking a strong stand against discrimination against Dominicans of Haitian descent, reported receiving a number of threats and acts of harassment. Cavada reported being followed on January 10 by an unknown man who loudly called him "traitor of the homeland" in a supermarket and shouted, "we are going to kill all traitors and the first ones will be the journalists." On January 16, an unidentified man shouted at Deschamps in a supermarket in Santo Domingo, "You are the first one who deserves to be killed!" and, to Lora and Diaz, "You are all traitors of the homeland!" On January 26, during a protest organized by nationalist groups in the city of Santiago, a man stated on television that "the traitors of the motherland deserve death" and specifically named Diaz, Lora, and Cavada.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 50 percent of citizens used the internet in 2014.

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. Outdoor public marches and meetings require permits, which the government usually granted. On several occasions police used force to disperse demonstrations and killed or injured demonstrators and bystanders. The NHRC reported approximately three persons were killed and 100 injured in the breakup of various demonstrations during the year.

In September, National Police allegedly killed Luis Ramon Pena de Jesus in the community of Saona during coordinated protests in several towns. The protesters were demanding improvements in drinking water and access to energy, road construction, as well as ambulance and fire services. A National Police internal affairs investigation continued at year's end.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right (see section 7.a.).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some exceptions.

The Office of the UN High Commissioner for Refugees (UNHCR) submitted refugee status determination recommendations in individual cases for consideration of the National Commission for Refugees (CONARE). UNHCR was not allowed to participate in commission sessions in which it adjudicated applications for refugee status.

During the year UNHCR conducted training on asylum matters with the Border Security Corps and with immigration officers and inspectors on protection of children and adolescents in immigration processes, with a focus by UNHCR on asylum procedures and refoulement.

In-country Movement: Local and international human rights groups reported that potentially hundreds of thousands of persons without proper documentation, including Haitian migrants and persons of Haitian descent born in the country, faced obstacles in traveling both within and outside of the country.

In 2011 then president Leonel Fernandez promulgated regulations that partially implemented the 2004 Migration Law, which both extended the “in transit” exception to Dominican citizenship for individuals born in the country to the children of illegal migrants and mandated the National Regularization Plan, which came into effect in 2014. The regulations define the bureaucratic bodies that handle migration issues, call for the registration of all foreigners in the country, mandate the registration of children born to nonresident foreigners in a special registry (the Foreigners Birth Registry), set forth the requirements for obtaining legal residency status, lay out a scheme for importing temporary labor (making employers responsible for the return of workers they bring in), and explicitly reiterate a policy that subjects all irregular migrants to deportation. In January 2014 the government discontinued all deportations to give irregular migrants a chance to participate in the National Plan for Regularization for Foreigners. The application period for benefits under the plan ended in June; on August 14, the government resumed deportations.

The National Regularization Plan granted temporary residency status to approximately 240,000 irregular migrants (98 percent Haitian). According to census data, up to 280,000 Haitian migrants may not have applied or qualified for regularization and were subject to deportation. The government continued to slowly implement its post-Regularization Plan deportations campaign, reporting a total of approximately 7,400 deportations from August through October. Between July and October, UN officials conducted more than 15 missions to the four main border-crossing points

and seven reception centers to observe the government's deportation process. UN officials also accompanied immigration authorities during interception procedures conducted in different provinces. According to the United Nations, the procedures it observed were orderly, legal, and individualized, in compliance with applicable international human rights standards. The government invited the international community to observe and comment on deportations. The government operated five immigration detention centers. The facility in Haina, San Cristobal, was the only one that existed in 2014.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees but has not implemented it effectively. An applicant for refugee status must be referred by the National Office of Refugees in the Migration Directorate to the Technical Subcommittee of CONARE, which the Foreign Ministry chairs. The subcommittee is responsible for making a recommendation to the commission, which consists of members from the Foreign Ministry, DNI, and the General Directorate of Migration (DGM). The full commission has the responsibility for making the final decision on applications.

In 2013 CONARE passed a resolution that required individuals to apply for asylum within 15 days of arrival in the country. The resolution expanded the scope of the 15-day deadline to all individuals seeking asylum by authorizing the DGM's National Office for Refugees (ONR) to make an inadmissibility determination if an asylum application did not provide any of the causes giving rise to recognition of refugee status. In addition, under the resolution, if an asylum seeker is in the country for more than 15 days and does not apply for asylum before trying to reach a third country where asylum could be granted, the individual's application is declared untimely and inadmissible. The resolution also authorizes the ONR to declare as inadmissible any asylum application from an individual who has been in, or proceeds from, a foreign country where the individual could have sought asylum. Inadmissibility determinations may not be appealed, restricting an applicant's ability to access certain procedures (such as an asylum interview and evaluation by CONARE) by dismissing the applicant's claim upon filing and prohibiting any challenge of the decision.

The 2013 resolution effectively gives a single individual, the head of the ONR, the power administratively to declare an application inadmissible, based on his or her assessment and without having conducted an asylum interview. In the event of an administrative inadmissibility decision, the process provides little recourse for the applicant, increasing the risk of forced return.

There was no information regarding any specific processes in place to respond to requests for asylum at ports of entry. The head of both the ONR and the Department of Deportations reported that immigration officers were trained and that procedures were in place to identify asylum seekers, although the exact processes were not made public. The ONR stated it had not received any asylum applications at any ports of entry.

As of late April, detained asylum seekers had access to UNHCR representatives. Prior to that, authorities granted the NHRC periodic access to the detention center for migrants. These detainees, when able to make personal contact with a lawyer, were granted access to the lawyer. Lawyers have historically only been able to assist detainees by serving as guarantors, not through the asylum applications process. CONARE policies do not provide for protection screening in the deportation process. By law the government must afford due process to detained asylum seekers, and those

expressing a fear of return to their country of nationality or habitual residence would be referred to the ONR and allowed to apply for asylum under the proper procedures. There was generally no judicial review of deportation orders. Furthermore, there was no third party review to provide for protection screening.

The ONR stated that interpreters were provided free of charge. One asylum seeker reported that an English-speaking staff member conducted the interview. Another asylum seeker reported he was asked to use an accompanying friend to interpret. Another reported that a fellow detainee was asked to interpret.

While there was no prohibition on legal representation in CONARE's regulations, it was unclear whether applicants would be allowed to have a lawyer, as no application has gone before the ONR with legal representation. UNHCR indicated that no asylum legal aid lawyers or NGOs were available to provide legal representation in the refugee status determination process and that private lawyers lack experience and expertise in refugee law.

CONARE did not provide rejected asylum seekers details of the grounds for the rejection of their initial application for asylum or information regarding the process for appeal. CONARE's decisions were communicated via a resolution enumerating the asylum seekers whose applications had been granted as well as those who had been rejected. Rejected applicants did not receive a letter detailing the grounds for the rejection. Instead, the ONR issued a letter that informed rejected asylum applicants that they had 30 days to leave the country voluntarily. The letter did not inform the asylum seeker of their right to submit an appeal within seven calendar days of receipt of the ONR's notification letter. In order to appeal, an asylum seeker must submit a written statement to the ONR as to why they are appealing within seven calendar days of receipt of the ONR's notification. Any appeal not submitted on time was deemed inadmissible by the ONR. CONARE would only share, through a resolution, its analysis in a case and detail the reasons for rejection after an appeal had been filed. CONARE's regulations provide for no further right of challenge or appeal to a rejection.

UNHCR reported that during the year the Immigration Directorate conducted a sweep of all persons registered as having received refugee status and attempted to verify these individuals with the various CONARE resolutions granting refugee status in the previous few years.

According to UNHCR in October there were approximately 600 refugees under its mandate. UNHCR also estimated there were 313 asylum seekers in the country. Most refugees and asylum seekers were of Haitian nationality, but there were also refugees from Cuba, Iran, Iraq, Sri Lanka, and Syria.

The NHRC, assisted by UNHCR, represented three Haitians previously recognized as refugees by CONARE, which terminated their status due to alleged changes in the country conditions in Haiti. Their administrative appeals were pending before the President's Office and the Superior Administrative Tribunal.

Refoulement: No safeguards exist to prevent the forced return of asylum seekers or refugees to countries where their lives or freedom may be threatened. Although the government provided some protection against such returns, a risk of deportation remained. Protection generally applied to individuals who gained access to the refugee process and had been issued proof they were refugees or had applications pending. Due to lack of training, UNHCR noted there was a risk that not all

officials who might apprehend such a person would recognize and respect their documents and their protections against arrest and deportation.

Asylum seekers who fail to apply within the 15-day window or whose applications are declared inadmissible are not safeguarded against refoulement. UNHCR indicated that, on October 8, five Cuban asylum seekers, who were held in immigration detention and had submitted timely applications before the ONR, were summarily deemed inadmissible as economic migrants and were deported to Cuba without notice to UNHCR and despite having been advised that the individuals were persons of concern to UNHCR.

Employment: The lack of gainful employment was a problem, and employment was a requirement for renewal of a temporary residency card by CONARE.

Access to Basic Services: Refugees are provided with the same rights and responsibilities as legal migrants with temporary residence permits. This provided refugees the right to access education, employment, health care, and other social services. UNHCR reported that, in practice, challenges remained. Only those refugees able to afford health insurance were able to access adequate health care. Other services, such as opening a bank account and entering service contracts for basic utilities, were difficult to obtain because it often took months, even years, to recognize a refugee's one-year temporary residence permit.

Refugees may apply for family reunification. UNHCR reported the process was cumbersome and filled with many challenges. A refugee must first wait two years from the date of recognition as a refugee before submitting a family petition. A refugee must then satisfy a series of requirements with regard to income, assets, and employment. Other NGOs reported the requirements made it nearly impossible for family reunification to occur.

CONARE's resolutions provided for the right of all recognized refugees to receive a passport or travel document. In practice, however, this proved a challenge for the few refugees recognized by CONARE. UNHCR reported that these refugees waited more than two years to receive their travel documents, and several had already paid the fees to obtain their passports. As a General Passport Directorate officer affirmed through UNHCR, the government never issued such a document before, and as such, the government had to produce a new document fulfilling international requirements. UNHCR reported that refugees expressed that their right to freedom of movement had been violated and they had found themselves without the ability to travel and visit relatives in other countries.

Authorities routinely denied birth certificates, education, health, and security documentation to children born to Haitians. There existed no other forms of complementary or subsidiary protection beyond refugee status.

Stateless Persons

The 2010 constitution states that anyone born in the country is a citizen, except children born to diplomats, children born to parents who are "in transit," or children born to parents who are in the country illegally. In 2005 the Supreme Court upheld the 2004 General Law on Migration, which redefined the term "in transit" from a foreigner who entered the country to reach another destination to all temporary workers, and then later to irregular migrants. Under the law, the constitutional

exception that denied citizenship to Dominican-born children of persons in transit no longer applied just to parents that were transiting through the country for a period of 10 days or less, but instead applied to all nonresidents having an “in transit” status. The law broadly defines nonresidents to include tourists, students, temporary foreign workers, and irregular migrants. The Civil Registry, managed by the Central Electoral Board (JCE), retroactively applied the migration law and refused to issue new identity documentation or renew expired documentation for those suspected of being children of foreign parents who had not proven their residency or legal status in the country, maintaining they were improperly issued birth certificates.

Even prior to implementation of the constitution, as redefined in 2004, authorities denied citizenship to children of irregular migrants. Prior to 2004, migration laws granted “in transit” privileges to foreigners who entered the country “with the principal intention of proceeding through the country to an exterior destination.” In 2007 the JCE established a registration system, known as the “Foreign Birth Registry,” that allowed children born in the country of parents who were not legal residents to receive a special birth certificate. Such children whose parents had documentation from their home country may be registered in the book, after which the parents would be given an official report of birth that does not confer citizenship. Local and international NGOs reported that, since implementation of the Foreign Birth Registry, hospitals and civil registries did not register numerous children of Haitian migrants and their descendants. An estimated 10,000 to 20,000 children were born to Haitian migrants and their descendants each year, but few of the children registered in the Foreign Birth Registry were of Haitian descent. NGOs reported that some Haitian parents, who were in the country legally and whose children were citizens under the law, were required to register their children’s births in the foreigners’ book.

Civil registry authorities simultaneously began to review the legal status and civil documentation of Dominicans of Haitian descent. Many of these individuals were born on the country’s territory at a time when it was generally accepted that the constitution’s *jus soli* provision granted them citizenship. Since 2007, however, officials have taken strong measures against providing citizenship to persons of Haitian descent born in the country, whose parents were unable to document their legal stay in the country. These measures included refusals to renew Dominican birth and identity documents, resulting in legal statelessness. The government stated that such refusals were based on evidence of fraudulent documentation, but advocacy groups alleged the actions targeted persons whose parents were Haitian or whose names sounded Haitian and thus constituted acts of denationalization.

As a result of these policies, the descendants of Haitian migrants who worked and settled in the country throughout the 20th century--who were born in the country prior to 2010 and enjoyed a right to Dominican citizenship--faced an increased risk of becoming stateless. This was exacerbated by the fact that, until 2012, the constitution did not allow dual citizenship. Individuals of Haitian descent who obtained Dominican citizenship forfeited their right to Haitian citizenship. Additionally, acquiring Haitian citizenship through the application of a *jus sanguinis* framework could pose problems for persons whose parents had lost meaningful links with Haiti or did not have proof of Haitian citizenship because of their long-established presence in the country. These problems became more serious for second-generation and third-generation persons born in the country.

In 2013 the Constitutional Tribunal ruled that children born in the country to foreigners “in transit” were not considered Dominican citizens. The tribunal ordered the JCE to audit its birth registry

back to 1929 to identify foreigners who might be registered improperly and transfer them to a separate foreign birth registration list. The tribunal noted that foreigners in transit may modify their immigration status to obtain legal permanent residency.

The Inter-American Commission on Human Rights (IACHR), UNHCR, and the Caribbean Community expressed deep concern over the 2013 Constitutional Tribunal judgment. The IACHR conducted a site visit to the country in 2013, and its preliminary findings considered that the 2013 tribunal ruling implied an arbitrary deprivation of citizenship and that the ruling had a discriminatory effect, stripped citizenship retroactively, and led to statelessness for individuals not considered citizens.

In May 2014 the president signed and promulgated law 169-14, “the Special Status of Individuals born in the territory with an irregular registration in the Civil Registry and on Naturalization.” On July 29, the government began implementation of the law. Law 169-14 proposes to regularize and (re)issue identity documents to approximately 24,392 individuals, born to “in transit” parents in the country between June 16, 1929, and April 18, 2007, who were previously registered in the civil registry (Group A), recognizing them as Dominican citizens from birth. Based on an exhaustive audit of the national civil registry archives, that number grew to 54,307. The law also created a special path to citizenship for persons born to “in transit” parents who were never registered in the civil registry, including an estimated 55,000-80,000 undocumented persons mainly of Haitian lineage (Group B). Group B persons had to demonstrate that they were born in the country prior to April 18, 2007 when the Foreigners’ Birth Registry began. Their names could subsequently be recorded in that registry. Once registered, members of Group B could start the process to obtain a permanent resident permit. After two years, they may apply for naturalization. The first 90-day application period for Group B ended in October 26, 2014. A November 2014 amendment extended the deadline an additional 90 days. On January 31, at the close of the implementation period, 8,755 individuals from Group B applied. As of November the government approved 6,262 cases and continued processing the remaining cases.

On June 26, the JCE published the results of an internal audit of children of migrants “in transit” who had been improperly inscribed in the civil registry dating back to 1929 (Group A). The audit resulted in a list of 54,307 names. The JCE announced that these individuals’ civil records had been retranscribed into a separate civil registry book and their original civil registrations annulled. The JCE invited those on the list to report to JCE offices and pick up a reissued birth certificate. The vast majority of persons on the list were of Haitian descent. As of September the JCE reported that it had issued 14,000 (or 26 percent) of retranscribed birth certificates of the 54,307 Group A persons. Civil society groups reported that many of the remaining 74 percent of individuals continued to experience difficulties obtaining reissued birth certificates at JCE offices. NGOs also documented cases of individuals who they determined qualified as Group A and were not included in the JCE’s audit results list, although the JCE annulled their civil registrations for having been improperly inscribed. There was no overall estimate of the size of this population.

The government stated publicly that it would find a solution for any individual who qualified but did not apply or benefit from Law 169-14 and that such a solution would mirror the legal citizenship paths created under that law. The government also stated that it would not deport anyone born in the country.

A 2012 National Statistics Office and UN Population Fund study estimated the total Haitian population in the country at 668,145, of whom 458,233 were identified as Haitian immigrants and 209,912 were categorized as persons of Haitian descent. The exact number of undocumented persons remained unclear.

Dominican-born persons of Haitian descent without citizenship or identity documents faced obstacles traveling both within and outside the country. In addition, undocumented persons may not obtain national identification cards (cedulas) or voting cards. Persons who did not have a cedula or birth certificate had limited access to electoral participation, formal-sector jobs, public education, marriage and birth registration, formal financial services such as banks and loans, access to courts and judicial procedures, and ownership of land or property.

In November 2013 the President Medina decreed an amnesty, called the Regularization Plan for Foreigners. The plan foresaw a “special path to naturalization” that would benefit foreigners who entered the country irregularly; foreigners who entered legally but overstayed or violated the conditions of their stay; and minors registered on the civil registry who were born in the country to nonresident mothers. The President Medina also declared a hold on deportations during the period of the plan’s implementation. In August the Regularization Plan granted temporary residency status to approximately 240,000 irregular migrants (98 percent Haitian). An NGO estimated that as many as 280,000 Haitian migrants did not apply for regularization and were subject to deportation. On August 14, the government resumed deportations, reporting a total of approximately 7,400 deportations from August through October. Of those deported, 99 percent were Haitian migrants.

Between July and October, UN officials conducted more than 15 missions to the country’s four main border-crossing points and seven reception centers to observe the deportation process carried out by authorities. They also accompanied migration authorities during interception procedures conducted in different provinces. UN officials reported that they observed orderly, legal, and individualized procedures, in compliance with applicable international human rights standards. There were five government-operated immigration detention centers in use, of which only one existed in 2014.

As of October the government reported that it issued 750 permanent residency cards and birth certificates to the 8,755 applicants under Law 169-14 and that 6,262 cases were already approved and in the process of issuance. The government stated it would find a citizenship solution to mirror that of Law 169-14 for any individuals who qualified but did not apply during the implementation period.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on nearly universal and equal suffrage, and citizens exercised this right. Active-duty police and military personnel may not vote or participate in partisan political activity.

Elections and Political Participation

Recent Elections: In 2012 PLD candidate Danilo Medina won the presidency in an election that was considered generally free and orderly despite some irregularities. The Dominican Revolutionary Party (PRD) won the most electoral votes of any single party, but the PLD won the popular vote with the support of coalition parties. The Organization of American States, which had an electoral observation mission present throughout the electoral process, noted several shortcomings in the legal framework governing the electoral process, including the use of public resources, campaign financing, and inequitable access to the media. The observation mission and other independent observers received complaints regarding the right of Dominicans of Haitian descent to vote. Due to restrictive civil-registry policies enforced by the JCE, thousands of Dominicans of Haitian descent could not obtain the citizenship documents required to participate in the 2012 elections.

Observers witnessed various political party supporters purchasing identity cards and votes on election day and also reported the use of electoral propaganda in voting centers.

In advance of the presidential and general elections scheduled for May 2016, primaries to select candidates for the ruling PLD on December 13 were disrupted by isolated violent conflicts that led to deaths at polling stations in Santiago and in Villa Mella in northern Santo Domingo. There were also various reports of interference with or theft of ballot boxes.

Political Parties and Political Participation: On June 12, the National Assembly revised the constitution to allow the president to run for a second consecutive term. On June 17, President Medina announced his candidacy for the May 2016 presidential election. A pact between long-standing rivals, the PLD and the PRD, assured the passage of the constitutional change. On December 13, the opposition Modern Revolutionary Party, under the leadership of presidential candidate Luis Abinader, and the Socialist Christian Reformist Party announced the creation of an alliance between the two parties.

Participation of Women and Minorities: By law parties must reserve 33 percent of the positions on their lists of candidates for the Chamber of Deputies and city councils for women. Women, however, generally occupied less than 25 percent of seats in congress and in the high courts. Each party puts forward lists, and women candidates were often at the bottom of the list, preventing them from gaining seats in the senate or chamber of deputies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The attorney general investigated allegedly corrupt officials, but government corruption remained a serious problem and a key public grievance. There were numerous reports of government corruption.

On October 23, *HOY*, a widely circulated daily newspaper, published a front-page story on 250 corruption cases that had been filed by prosecutors before the courts in the previous five years and the failure of the courts to issue sentences in the cases.

The Public Ministry, led by the attorney general, was responsible for investigating and prosecuting corruption cases through the Office of the Special Attorney for the Prosecution of Administrative Corruption (PEPCA). The Chamber of Accounts supported government accountability through audits and investigations, which formed the basis of many PEPCA corruption cases. PEPCA, the Chamber of Accounts, and comptroller general operated independently and appeared free from political influence, although there were few successful prosecutions of high-profile public officials for corruption. While government agencies complained of insufficient resources, credible NGOs noted the greatest hindrance to effective investigations was a lack of political will to apply the law and prosecute particularly high-level politicians.

Corruption: Civil society organizations criticized the widespread practice of awarding government positions as political patronage and alleged many civil servants, referred to as “empty bottles,” did not have to perform any job functions for their salary. Small municipalities reported having staffs of 200, 350, or 600 workers when the municipality buildings could hold no more than a tenth of the reported workers.

On many occasions police officers attempted to solicit bribes from individuals facing fines or arrest. Numerous individuals reported having their personal property taken by police. Police reportedly detained drivers, including foreign tourists, requesting money in exchange for not being issued a citation. Local human rights observers reported immigration and police officers detained undocumented construction workers and other manual laborers of Haitian descent and extorted money from them. NGOs reported incidents of corruption among military and immigration officials stationed at border posts and checkpoints.

Prison officials accepted money in exchange for a recommendation that a prisoner be furloughed or released for health reasons. There were credible allegations that prisoners paid bribes to obtain early release on parole.

The use of nonjudicial sanctions continued. These measures included the dismissal or transfer of military personnel, police officers, judges, and other minor officials engaged in bribe taking and other corrupt behavior. A widespread attitude of tolerance toward some forms of corruption complicated anticorruption efforts.

On October 21, the Supreme Court voted not to indict Senator Felix Bautista and six codefendants on charges that they embezzled more than 4.5 billion pesos (\$100 million) when Bautista headed the State Works Supervisory Engineers Office. Attorney General Francisco Dominguez Brito responded immediately, called it a blow in the fight against corruption, and stated that the high court “doesn’t deserve the slightest credibility.”

On November 16, the Judicial Council suspended five judges for allegations of corruption. Two of the five were sentenced to preventative prison terms while they awaited trial.

Financial Disclosure: The law requires the president, vice president, members of congress, some agency heads, and other officials, including tax and customs duty collectors, to declare their personal property within 30 days of being hired, elected, or re-elected as well as when they end their responsibilities. The constitution further requires public officials to declare the provenance of their property. The new law also changed responsibility from the Public Ministry to the Chamber of Accounts to receive and review these declarations. In August, Accounts Chamber President Licelott

Marte delivered to the attorney general a list of 1,222 officials who had not submitted their financial statements and should face criminal prosecution.,

The General Directorate of Ethics and Governmental Integrity operated with a strong political mandate but obtained minimal results.

During the year the Chamber of Accounts submitted five audit reports to PEPCA with findings of misuse of public funds and lack of proper procedures. These reports corresponded to the period between 2009 and 2012 and implicated both municipal authorities as well as members of the central government. Some of the implicated persons were charged and tried, while others remained under investigation. No actions were taken on reported incidents from previous years.

Public Access to Information: The constitution provides for public access to government information. The law places limits on the availability of such information only under specified circumstances, such as to protect national security. Authorities are required to disclose or respond to requests for access within 15 workdays, and processing requests is either free or the fee is reasonable. The law provides for penalties of up to two years in prison and a five-year ban from positions of public trust for officials who obstruct access to public information. Responses to requests were often timely but incomplete, and the government regularly rejected follow-up requests. Although much information was easily available online, it was often inaccurate or inconsistent with other government reports. There was little consistency in determining what public information was and what it was not, due to the lack of a single oversight agency. Under the Anticorruption Participatory Initiative, civil society organizations and government institutions conducted activities and training to promote public knowledge and effective official application of the law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Government Human Rights Bodies: The constitution establishes the position of human rights ombudsman, and in 2013 the Senate appointed Zoila Martinez, former Santo Domingo district attorney, for a six-year term. The ombudsman's functions as outlined in the constitution are to safeguard the fundamental human rights of persons and to protect collective interests established in the constitution and the law. In October, Martinez reported that her office had received a total of 244 cases and resolved 90 of them.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution or law prohibits discrimination based on race, gender, disability, language, and social status, such discrimination existed. The government seldom acknowledged that discrimination occurred or made efforts to address the problem.

Women

Rape and Domestic Violence: The law criminalizes violence against women, and the state may prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for conviction of these crimes range from one to 30 years in prison and fines from 700 to 245,000 pesos (\$15 to \$5,400). The sentences for conviction of rape, including spousal rape, range from 10 to 15 years in prison and a fine of 100,000 to 200,000 pesos (\$2,210 to \$4,420). For rape cases involving a vulnerable person or a child or occurring under other egregious circumstances, the sentence for conviction is 10 to 20 years in prison.

Rape was a serious and pervasive problem. Survivors of rape often did not report the crime due to fear of social stigma, fear of retribution, and the perception that police and the judicial system would not provide redress. The state may prosecute a suspect for rape, including spousal rape, even if the victim does not file charges. Police generally encouraged rape victims to seek assistance from the specialized gender-based violence unit of the National Police force, the Attorney General's Office, public defenders, or NGOs.

Despite government efforts to improve the situation, violence against women was pervasive. The press regularly published articles on domestic violence and femicide cases. According to the United Nations, 30 percent of women in the country experienced some kind of violence at the hands of a partner or former partner. The attorney general reported that, through July, authorities nationwide received more than 37,300 gender-based violence complaints. The attorney general reported 3,651 complaints of sex crimes through July.

Several stakeholders claimed the number of cases of violence against women exceeded the prosecutor general's capacity to deal with the situation. According to the Attorney General's Office, during the first three quarters of the year, 112 women were killed. The Attorney General's Office reported 57 cases of femicide due to domestic violence through August. According to UN Women, the UN organization dedicated to gender equality and the empowerment of women, more than 80 percent of survivors of violence never filed a complaint with the prosecutor general. There were some successful prosecutions, however.

The Attorney General's Office oversees the specialized Violence Prevention and Attention Unit, which had 17 satellite offices in the country's 32 provinces. At these offices, survivors of violence could file criminal complaints, obtain free legal counsel, and receive psychological and medical attention. Police had instructions to refer domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue a

temporary restraining order immediately after receiving a complaint and to serve as messengers for the victims to prevent contact between the victim and the abuser.

In an additional step to address the problem, the Attorney General's Office instructed its officers not to conciliate cases of violence against women and to continue judicial processes, even in cases in which victims withdrew charges. District attorneys were instructed to provide assistance and protection to victims of violence by referring them to appropriate institutions for legal, medical, and psychological counseling. The Attorney General's Office also instructed its officers that investigations and presentation of charges must be concluded within 35 days unless the case was considered complex.

The Office for the Attention of Women and Interfamily Violence, headed by Colonel Teresa Martinez, was linked to emergency call lines to facilitate quick response services. The emergency call lines were linked to the 911 emergency response system. The system only served Santo Domingo and surrounding areas, however. The Office for the Attention of Women and Interfamily Violence had a trained police officer in six of the 17 satellite violence prevention and attention unit offices. In cases involving violence, officers were authorized to enter the victim's domicile without a court order to provide the victim protection.

The Ministry for Women, which had scarce resources, actively promoted equality and the prevention of violence against women through implementing education and awareness programs and the provision of training to other ministries and offices.

The government and various NGOs conducted outreach and training programs on domestic violence and legal rights. The Ministry of Women operated two shelters for domestic violence survivors in undisclosed locations, where abused persons could make reports to police and receive counseling. The shelters provided women with short- and medium-term assistance of up to three months to escape violent situations. The ministry had a presence in 31 provincial offices and 21 municipal offices, where it offered free legal counsel and psychiatric assistance to victims. The ministry also operated two programs to rehabilitate persons convicted of domestic abuse or gender-based violence.

NGOs stated that while adequate laws were in place, the law enforcement response was not effective in preventing gender violence. The system lacked an integrated approach to victim care, the judicial system lacked the resources to prosecute perpetrators successfully, and the number of women's shelters was inadequate for victim's needs.

Sexual Harassment: Sexual harassment in the workplace is a misdemeanor and conviction carries a sentence of one year in prison and a fine equal to the sum of three to six months of salary. Union leaders reported, however, that the law was not enforced and that sexual harassment remained a problem (see section 7.d.).

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children, to manage their reproductive health, to have the means to do so free from discrimination, coercion, and violence. Contraceptives were provided without charge. Many low-income women, however, used them inconsistently due to an irregular availability from public agencies. Social biases against, and religious prohibitions on, the use of modern methods of family

planning existed. The 2013 Demographic and Health Survey (DHS) indicated that 69 percent of girls and women, ages 15 to 49, used a modern method of contraception.

The World Health Organization reported a maternal mortality rate of 200 per 100,000 births in 2013. Although the country achieved successes in promoting hospital births, a university study cited problems, including: a lack of monitoring of adherence to norms, protocols, and quality of care standards; a generalized lack of accountability and an insufficient culture of patient safety; inadequate referrals and counter-referrals; residents filling in for attending physicians without sufficient supervision; and a dehumanized attitude fostered by a lack of accountability of public health professionals regarding poor persons using public health-care services.

A high rate of pregnancies among adolescent girls remained a concern. In 2014 the World Bank cited an adolescent birth rate of 1 percent, and in 2013 the UN Fund for Population estimated that 22 percent of adolescent girls had been pregnant and that 19 percent of maternal deaths occurred among adolescent girls. Other significant factors contributing to maternal and neonatal deaths were poor quality of care and lack of access to health-care services as well as complications during pregnancy and delivery. Most girls and women had access to some postnatal care, although the lack of postnatal care was higher among young, uneducated girls and women and those in the lowest economic quintiles. Access to diagnostic services and treatment of sexually transmitted infections was limited by technical, financial, and management problems, which equally affected both men and women.

Discrimination: Although the law provides women and men the same legal rights, women did not enjoy social and economic status or opportunity equal to that of men. Men held approximately 70 percent of leadership positions in all sectors. Only 11 percent of firms had female top managers. According to the Inter-American Development Bank, on average women received 16 percent lower pay than men in jobs of equal content and requiring equal skills. In 2013 the average unemployment rate among men was 9.9 percent of the active labor force, while for women it was 16 percent. Some employers reportedly gave pregnancy tests to women before hiring them as part of a required medical examination. Although it is illegal to discriminate based on such tests, NGO leaders reported that employers often did not hire pregnant women and sometimes fired female employees who became pregnant. There were no effective government programs to combat economic discrimination against women (see section 7.d.).

Children

Birth Registration: Citizenship is acquired by birth in the country, except by children born to diplomats, to those who are “in transit,” or to parents who are illegally in the country (see section 2.d.). A child born abroad to a Dominican mother or father may also acquire citizenship. A child not registered at birth is undocumented until a late declaration is made, and there were limitations on late declarations. According to the 2013 DHS, 16 percent of children ages one to four, 10 percent of children ages four to nine, and 5 percent of children ages 10 to 14 were not registered.

Education: The constitution provides for free, compulsory public education through age 18. This provision was not always followed, and of lack of documentation and discrimination denied many children of Haitian descent access to primary education. Once children reach secondary school, legal documentation is required to register for high school, which discouraged some children from attending or completing school. Children who lacked documentation also were restricted from

attending secondary school (past the eighth grade) and faced problems accessing other public services.

Child Abuse: Abuse of children, including physical, sexual, and psychological abuse, was a serious problem. In May the National Statistics Office published a health survey that revealed 62 percent of children between ages of one and 14 suffered from some type of abuse, including psychological abuse (54 percent) and physical abuse (39 percent).

The Children and Adolescents Unit of the Attorney General's Office maintained a hotline that persons could call to report cases of child abuse. Charges were filed in few such cases due to fear of family embarrassment, lack of economic resources, or lack of knowledge regarding available legal assistance. The Santo Domingo district attorney's office reported that, in most abuse cases, the accused was a person close to the child, such as a family member or close family friend. The Attorney General's Office reported that through July it received 939 complaints of statutory rape and 150 of incest. The law provides for removal of a mistreated child to a protective environment.

The law contains provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provides for sentences of two and five years' incarceration and a fine of three to five times the monthly minimum wage for persons convicted 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 the efforts of official entities and NGOs to assist children who were victims of violence and abuse.

Early and Forced Marriage: The legal minimum age for marriage with parental consent is 16 for boys and 15 for girls. According to the latest available UN data, approximately 41 percent of women ages 20 to 24 were married before the age of 18 and 12 percent were married before age 15, while only 9 percent of boys married before age 18. The government conducted no known prevention or mitigation programs. Girls often married much older men. Child marriage occurred more frequently among girls who were uneducated, poor, and living in rural areas. More than half of poor women entered into their first marriage or union by age 17, compared with age 21 for women of means.

Sexual Exploitation of Children: The law defines statutory rape as sexual relations with anyone under the age of 18. Penalties for conviction of statutory rape are 10 to 20 years in prison and a fine of 100,000 to 200,000 pesos (\$2,210 to \$4,420). The law also contains specific provisions that prohibit child pornography and child prostitution, prescribing penalties for sexual abuse of children of 20 to 30 years' imprisonment and fines of 100,000 to 200,000 pesos (\$2,210 to \$4,420).

The press often reported on pedophilia cases. The commercial sexual exploitation of children generally occurred in tourist locations and major urban areas. The government conducted several programs to combat the sexual exploitation of minors, including posting notices in airports and targeted programs in popular tourist locations. The Ministry of Labor continued a program to combat exploitation 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 and their families to arrest and convict exploiters.

Displaced Children: A large population of children, primarily Haitians or Dominicans of Haitian descent, lived on the streets (see section 2.d.). Trafficking of Haitian children was a problem (see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/).

International Child Abductions: The country is a party to the 1980 Hague Convention on International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/dominicanrepublic.html.

Anti-Semitism

The Jewish community comprised approximately 350 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

Although the law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, these individuals encountered discrimination in employment, education, and in obtaining health care and transportation services. The law provides for physical access for persons with disabilities to all new public and private buildings and access to basic services. It also specifies that each ministry should collaborate with the National Disability Council to implement these provisions. Authorities worked to enforce these provisions, but a gap in implementation persisted. Very few public buildings were fully accessible.

During the year the Ministry of Public Works and Communications completed the comprehensive placement of ramps at intersections along Avenida Maximo Gomez, a major thoroughfare. In addition, the government mandated the installation of ramps as part of any building renovation throughout Santo Domingo.

The Dominican Association for Rehabilitation received support from the Secretariat of Public Health and from the Office of the Presidency to provide rehabilitation assistance to persons with physical and learning disabilities as well as to run schools for children with physical and mental disabilities. Lack of accessible public transportation for persons with disabilities was still a major impediment for the mobility of persons with disabilities.

The law states that the government should provide for persons with disabilities to have access to the labor market as well as to cultural, recreational, and religious activities, but it was not consistently enforced (see section 7.d.). A 2012 UNESCO study reported that 70 percent of children with disabilities were not in school. The Santo Domingo Center for Integrated Care for Children, which assisted more than 200 children during the year, remained the only facility serving children with developmental disabilities.

The National Council on Disability Equality reported that prejudice against persons with disabilities was pervasive across the country, as was poor familial empowerment and a lack of inclusive policies in both public and private sector institutions. Few resources were dedicated to those with mental disabilities.

National/Racial/Ethnic Minorities

There was significant evidence of racial prejudice and discrimination against persons of dark complexion, but the government denied such prejudice or discrimination existed and, consequently, did little to address the problem.

Prejudice against Haitians disadvantaged Haitians and Dominicans of Haitian descent, as well as other foreigners of dark complexion. Officials denied basic health care and documentation services to persons of Haitian descent.

Local NGOs reported incidents where darker-skinned persons were denied access or services in banks, service in restaurants and stores, entry into nightclubs, enrollment in private schools, and birth registration in hospitals. Economic opportunities were also denied to darker-skinned persons, based on the cultural requirement for a “buena presencia” (good appearance) (see section 7.d.).

Haitians continued to immigrate to the country in search of economic opportunity and relief. The DGM reported approximately 7,400 deportations from August through October, of which 99 percent of those removed were Haitian citizens.

Some Haitian immigrants and others lived in shantytowns or sugarcane work camps known as bateyes. As in many poor areas in other parts of the country, these were harsh environments with limited or no electricity, running water, sanitary facilities, or adequate schooling. In many bateyes, medical assistance was either rudimentary or not readily available, and clean water was not always available. Many bateyes 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.

In February a Haitian shoeshine worker, Henry Claude Jean, was found hanged in a downtown park in Santiago, the country’s second largest city. The same day, a Haitian flag was burned by a group in another part of the city.

In response to the killing of a young Dominican, on April 6, approximately 40 Dominicans armed with stones, sticks, baseball bats, and machetes expelled 30-50 Haitians from their homes in Moca, a northern municipality near Santiago. Moca’s district attorney arrested five persons involved in the attack. A judge in La Vega convicted and imprisoned two Haitians for the murder of the Dominican. Although the government condemned the vigilantism, NGOs expressed concern that local authorities’ lack of transparency and inaction led criminal or ultranationalist elements to believe they could commit violent acts against Haitians and Dominicans of Haitian descent with impunity.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Treatment of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals ranged from ambivalent tolerance to resolute homophobia. No specific law protects individuals against discrimination based on sexual orientation or gender identity. The constitution states that the state shall promote matrimony as a union between a man and a woman; however, it does not define marriage to be exclusively between a man and woman. The law does not extend the same rights to cohabiting same-sex couples as to cohabiting heterosexual couples. The law prohibits discrimination on the basis of sexual orientation and gender identity for youth development opportunities.

NGOs reported widespread discrimination against LGBTI persons, particularly transgender individuals and lesbians, in such areas as health care, education, justice, and employment (see section 7.d.). LGBTI individuals often faced intimidation and harassment. Although civil society conducted numerous workshops to raise awareness and alter negative public perceptions, Americas Barometer and Latinobarometro studies concluded that the societal views toward the LGBTI community remained very conservative. Religious groups held rallies against the LGBTI community. When asked whether legal measures should be taken to protect LGBTI persons from discrimination, 54 percent of the studies' respondents opposed such measures. A 2014 Gallup poll found 73 percent of those polled acknowledged societal discrimination against the LGBTI community. Roman Catholic and Evangelical religious leaders often publicly criticized LGBTI activists and international organizations that promoted LGBTI human rights, at times using derogatory terms and insults against prominent LGBTI individuals or activists.

Between December 2014 and August, the Human Rights Observatory for Vulnerable Groups received 21 reports of police abuse, including arbitrary arrest, police violence, and extortion, against members of the LGBTI community. NGOs reported that LGBTI persons were reluctant to file official charges or complaints due to fear of reprisals or humiliation. In situations in which LGBTI persons filed complaints, many chose to drop the charges. The transgender community reported widespread discrimination and violence.

In August in the colonial zone of Santo Domingo, three members of the Tourism Police tasered and beat a gay man. According to the Human Rights Observatory, he and his partner were arrested for a kiss on the street as well as for walking and holding hands, actions not prohibited by law. While detained at a police barracks, the men were denied telephone calls and food.

According to credible reports, LGBTI individuals were arbitrarily arrested and denied access to jobs, health care, and owning or renting homes. LGBTI NGOs reported that discrimination and attacks were more prevalent outside of Santo Domingo. NGOs reported several cases of LGBTI students expelled from school for no legitimate reason. Members of the LGBTI community reported individuals were denied health-care services in both private and public hospitals.

In July the court in Monte Plata handed down a five-year prison sentence to a minor convicted of the September 2014 stabbing death of a transgender youth, Alexa, at a festival in Monte Plata.

On August 15, Oscar Perez, Luis Manuel Estevez Ponciano, and Jose Rafael Miliano Rodriguez were each sentenced to 30 years' imprisonment for the 2013 killing of Cuban-Dominican Claudio Nasco, the lead anchor for an evening television news program. Nasco was a member of the gay community in Santo Domingo.

In September assailants shot and killed a transsexual, Susi, near the Bavarian Friusa Sector. While authorities stated that the motive of and suspects in the killing were unknown, the Human Rights Observatory and other LGBTI NGOs considered it a hate crime.

Although authorities granted permits for LGBTI individuals to carry out activities in public spaces, the permits often included special conditions that prevented LGBTI organizations from holding events. LGBTI persons often gathered informally in public spaces, especially in Duarte Park of the colonial zone in Santo Domingo. Formal gatherings generally required the approval of the Community Board of Neighbors, an institution influenced by the Catholic Church and its conservative views on LGBTI issues.

On July 5, for the fifth year in a row, the LGBTI community successfully held a gay pride parade and solidarity concert. From November 26 to December 6, the LGBTI community celebrated Santo Domingo Out fest, the country's fourth annual LGBTI international film festival. The festival, which sought to promote human rights and social coexistence, was organized by a volunteer network with the support of various other local and international organizations.

HIV and AIDS Social Stigma

In the 2013 DHS, 50 percent of women and 57 percent of men reported having discriminatory attitudes against those living with HIV. Persons with HIV/AIDS faced discrimination, especially in the workplace.

Persons with HIV/AIDS routinely faced discrimination in access to health care and employment (see section 7.d.). NGOs reported that health workers discriminated against HIV/AIDS patients. This discrimination prevented persons from being tested for HIV/AIDS or receiving preventative services and treatment. Although the law prohibits the use of HIV testing to screen employees, Human Rights Watch, Amnesty International and the International Labor Organization (ILO) reported that workers in various industries faced obligatory HIV testing. Workers were sometimes tested without their knowledge or consent. Many workers found to have the disease were not hired, and those employed were either fired from their jobs or denied adequate health care.

In August, Labor Minister Maritza Hernandez launched a campaign to raise awareness of inequality and discrimination at work. The education campaign informed persons of their right to work in the labor market irrespective of perceived disabilities. The campaign included workshops, talks, and visits to workplaces to promote a culture of equal opportunity in the workplace. It also addressed the inclusion and permanence, at a dignified job, of those under vulnerable conditions, including those with HIV/AIDS and of different race, gender, or sexual orientation.

The President's Council on AIDS, which included public and private-sector members and persons who are HIV/AIDS positive, coordinated policy at the national level and cooperated with local NGOs to reduce the impact of HIV/AIDS on vulnerable populations and society. The Ministry of Health also funded NGOs and private organizations, such as the Center for Orientation and Integration, which worked to combat discrimination and assist with integration into society.

Other Societal Violence or Discrimination

On a number of occasions, citizens attacked and sometimes killed alleged criminals in vigilante-style reprisals for theft, robbery, or burglary. Observers attributed these incidents to an increase in crime and the perceived inability of security forces to stem or combat incidents of crime.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, with the exception of military and police, to form and join independent unions, conduct legal strikes, and bargain collectively; however, it places several restrictions on these rights. For example, trade union rights are restricted by a requirement considered excessive by the ILO that a union must represent 50 percent plus one of the workers in an enterprise to bargain collectively. In addition, the law stipulates that strikes may not be called until mandatory mediation requirements have been met.

Although the law requires the Ministry of Labor to register unions for them to be legal, it provides for automatic recognition of a union if the ministry has not acted on an application within 30 days. The law allows unions to conduct their activities without government interference. Public-sector workers are allowed to form associations registered through the Office of Public Administration. The law requires that 40 percent of civil servant employees agree to join a union in a given government entity for it to be formed. According to the Ministry of Labor, the law applies to all workers, including foreign workers, those working as domestic workers, workers without legal documentation, and workers in the free trade zones (FTZs).

Formal requirements for a strike to be considered legal include the support of an absolute majority of all company workers for the strike, 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 permitted to strike. The law prohibits antiunion discrimination and forbids employers from dismissing an employee for participating in union activities, including being part of a committee seeking to form a union.

The government inconsistently enforced laws related to freedom of association and collective bargaining. Penalties under law for labor practices contrary to freedom of association range from seven to 12 times the minimum wage, and may increase by 50 percent if the employer repeats the act. Noncompliance with a collective bargaining agreement is punishable with a fine equaling three to six times the minimum wage. Such fines were insufficient to deter employers from violating worker rights and were rarely enforced. Labor inspectors did not consistently investigate allegations of violations of freedom of association and collective bargaining rights. For example, workers in the sugar sector continued to report that labor inspectors in the sugar sector did not ask workers or supervisors about workers' freedom to associate, the right to organize, union membership or activity, or collective bargaining, although workers had separately reported some instances of employers threatening them with firing or loss of housing if they were to meet with coworkers.

The process for dealing with disputes through labor courts was often long, with cases pending for several years. NGOs and labor federations reported companies took advantage of the slow and ineffective legal system to appeal cases, which left workers without labor rights protection in the interim. Freedom of association and the right to collective bargaining were not consistently respected. There were reports of intimidation, threats, and blackmail by employers to prevent union activity. Some unions required members to provide legal documentation to participate in the union, despite the fact that all workers within the territory are covered by the labor code regardless of their legal status.

Labor NGOs reported the majority of companies resisted collective negotiating practices and union activities. Companies reportedly fired workers for union activity and blacklisted trade unionists, among other antiunion practices. For example, union leaders alleged that one company paid a judge 700,000 pesos (\$15,400) to rule that the company could revoke immunity for the union leadership and fire them. Workers were commonly asked to sign documents pledging to abstain from participating in union activities. Companies also created and supported “yellow” or company-backed unions to counter free and democratic unions. Formal strikes were not common.

Companies used short-term contracts and subcontracting, which made union organizing and collective bargaining more difficult. Few companies had collective bargaining pacts, partly because companies created obstacles to union formation and could afford to go through lengthy judicial processes that nascent unions could not afford.

The Dominican Federation of Free Trade Zone Workers (FEDOTRAZONAS) reported that the management of several companies or their subcontractors conducted antiunion campaigns within their enterprises, which included threats to fire union members, and engaged in activities to forestall attainment of union membership sufficient to establish collective bargaining rights under the labor code. The Ministry of Labor intervened in some cases to provide mediation.

FEDOTRAZONAS reported that unions were active in only 35 businesses of the approximately 550 companies in the FTZs and that only six unions had collective bargaining rights. Unions in the FTZs reported that their members hesitated to discuss union activity at work due to fear of losing their jobs. Unions accused some FTZ companies of discharging workers who attempted to organize unions.

NGOs continued to report that many Haitian laborers and Dominicans of Haitian descent in construction and agricultural industries, including sugar, did not exercise their rights due to fear of being fired or deported. The Ministry of Labor reported that, during the first half of 2014, there were 237,843 Haitians living the country, of whom 157,562 were working in the formal and informal sectors of the economy. Multiple labor unions represented Haitians working in the formal sector; however, these unions were not influential. The ministry also stated that Haitians earned, on average, 60 percent of what a Dominican worker received in wages.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law prescribes penalties for conviction of forced labor of up to 20 years’ imprisonment with fines; such penalties were sufficiently stringent to prevent abuses.

The government reported it received no forced labor complaints during the year. Nonetheless, there were credible reports of forced labor of adults in the service, construction, and agricultural sectors as well as reports of forced labor of children in the domestic service, street vending and begging, agricultural, and construction sectors. For example, workers and unions reported instances of forced overtime, induced indebtedness, deception, false promises about terms of work, and withholding and nonpayment of wages in the construction and agricultural sectors, including sugar. The government initiated 338 labor prosecutions for violations of overtime and weekly rest regulations between January and July (also see section 7.e.).

Haitian workers' lack of documentation and legal status in the country made them vulnerable to forced labor. Although specific data on the problem were limited, Haitian nationals were reportedly subjected to forced labor in the service, construction, and agricultural sectors. Many of the 240,000 mostly Haitian irregular migrants who received temporary (one-year or two-year) legal residency through the Regularization Plan for Foreigners worked in these sectors. In addition to the Regularization Plan, the government granted permanent residency to 2,724 retired and pensioned sugar cane workers, who had the option of becoming naturalized citizens after four years.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children under the age of 14 and places restrictions on the employment of children under the age of 16, limiting their working hours to six hours per day. For those under the age of 18, the law limits night work and prohibits employment in dangerous work, such as work involving hazardous substances, heavy or dangerous machinery, and carrying heavy loads. Minors are also prohibited from selling alcohol, certain work in the hotel industry, handling of cadavers, and various tasks involved in the production of sugarcane, such as planting, cutting, carrying, and lifting sugarcane, or handling the bagasse. Firms employing underage children are subject to fines and legal sanctions.

The Ministry of Labor in coordination with the National Council for Children and Adolescents (CONANI) is responsible for enforcing child labor laws. The law provides penalties for child labor violations, including fines and prison sentences. While the ministry and CONANI generally effectively enforced regulations in the formal sector, child labor in the informal sector was a problem.

A National Steering Committee against Child Labor plan to eliminate the worst forms of child labor set objectives, identified priorities, and assigned responsibilities to combat exploitative child labor. Several government programs focused on preventing child labor in coffee, tomato, and rice production; street vending; domestic labor; and commercial sexual exploitation.

The government continued to implement a project with the ILO to remove 100,000 children and adolescents from exploitative labor as part of its *Roadmap towards the Elimination of Child Labor*. The roadmap aimed to eliminate the worst forms of child labor in the country by year's end and all other types of child labor by 2020. In June the government announced a series of initiatives

designed to combat child labor practices, including introducing a training program designed by the ILO to help public and private sector employers eliminate child labor.

Nevertheless child labor remained a problem. A health survey published by the National Statistics Office in May revealed that 12.8 percent of children between the ages of five and 17 performed some sort of illegal child labor. A government official noted that the worst forms of child labor decreased by 6 percent in the previous 10 years. Conversely, a Santiago-based civil society organization dedicated to working with street children, Accion Callejera, stated that child laborer numbers continued to grow. The organization also noted that, although officials stated the government rescued approximately 100,000 vulnerable children from local streets, this effort did not affect the city of Santiago.

Child labor occurred primarily in the informal economy, small businesses, private households, and the agricultural sector. In particular, there were reports children worked in the production of garlic, potatoes, coffee, sugarcane, tomatoes, and rice. Children often accompanied their parents to work in agricultural fields. NGOs also reported many children worked in the service sector in a number of jobs, including as domestic servants, street vendors and beggars, shoe shiners, and car window washers. The commercial sexual exploitation of children remained a problem, especially in popular tourist destinations and urban areas (see section 6, Children).

Many children who worked as domestic servants were victims of forced labor. There were credible reports that poor Haitian families arranged for Dominican families to “adopt” their children. In some cases adoptive parents reportedly did not treat the children as full family members, expecting them to work in the household or family businesses rather than to attend school, which resulted in a kind of indentured servitude for children and adolescents.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits all forms of discrimination, exclusion, or preference in employment based on gender, age, language, race, color, nationality, social origin, political or union affiliation, religious belief, and against persons with HIV/AIDS. The government did not effectively enforce these provisions. There is no law against discrimination in employment based on sexual preference.

Discrimination in employment and occupation occurred with respect to LGBTI persons, especially transgender persons, against HIV/AIDS-positive persons, against persons with disabilities, persons of darker skin color, and women (also see section 6). For example, the ILO noted its concern regarding continued sexual harassment in the workplace and urged the government to take specific steps to address existing social and cultural stereotypes contributing to discrimination in the country. Discrimination against Haitian migrant workers and Dominicans of Haitian descent occurred across sectors. Many Haitian irregular migrants did not have full access to benefits, including social security and health care (also see sections 7.b. and 7.e.).

In August the Ministry of Labor announced a campaign against labor discrimination, “Let’s All Work from Equality.” The program provided support to vulnerable groups, including persons with disabilities, women, those with a different sexual orientation, and individuals with HIV/AIDS.

e. Acceptable Conditions of Work

There were 14 different minimum wages, depending on the industry. The minimum wage for workers in FTZs was 8,310 pesos (\$183) per month. The minimum wage for workers outside the zones ranged from 7,843 pesos (\$173) to 12,873 pesos (\$284) per month. The minimum wage for the public sector was 5,884 pesos (\$130) per month. The daily minimum wage for agricultural workers was 234 pesos (\$5.17) based on a 10-hour day, with the exception of sugarcane field workers, who received 146 pesos (\$3.22) based on an eight-hour workday. Minimum wage provisions cover all workers, including migrants. The Central Bank calculated that, due to inflation, the minimum wage had not increased in real terms since 1979. The Worker Rights Consortium and labor confederations estimated the living wage was 27,897 pesos (\$616) per month.

In 2012 the Ministry of Economy, Planning, and Development used 2007 statistics to calculate the official poverty line at 3,247 pesos (\$72) per month. The ministry stated that 43 percent of the population was living in poverty. In February the Juan Bosch Foundation, in conjunction with Fundacion Sol from Chile, released a study which reported that 63 percent of working Dominicans did not receive an income sufficient to pay for the lowest cost family budget, and only 3.4 percent received a salary adequate to provide for a family of four. The report stated that 80 percent of workers earned less than 20,000 pesos (\$454) per month.

In August the National Salary Commission approved a 15.5 percent wage increase for construction workers. The Ministry of Labor stated that the increase would benefit all construction workers throughout the country. The National Salary Commission agreed on the increase after hearing the arguments presented by the National Federation of Construction Workers as well as by representatives from the private construction sector. No date was announced for the salary increase to go into effect.

The Ministry of Labor, in a tripartite agreement with unions and the private sector, approved a 14 percent private sector minimum wage increase in May. The last time the minimum wage was raised was in the 1990s. One of the major daily newspapers conducted a random survey and found that, although the majority of those polled approved of the increase, most stated the increase would not improve their well-being. Trade unions, which sought an increase of 28 to 30 percent, reported dissatisfaction with the outcome of the tripartite negotiation.

The law establishes a standard workweek of 44 hours. While agricultural workers are exempt from this limit, in no case may the workday exceed 10 hours. The law stipulates all workers are entitled to 36 hours of uninterrupted rest each week. Although the law provides for paid annual holidays and premium pay for overtime, enforcement was ineffective. The law prohibits excessive or compulsory overtime and states that employees may work a maximum of 80 hours of overtime over three months. The labor code covers domestic workers but does not provide for notice, severance, or bonus payments. Domestic workers are entitled to two weeks' paid vacation after one year of continuous work as well as a Christmas bonus equal to one month's wage. The labor code also covers workers in the FTZs, but they are not entitled to bonus payments.

The Ministry of Labor sets workplace safety and health regulations. By regulation employers are obligated to provide for the safety and health of employees in all aspects related to the job. By law employees may remove themselves from situations that endangered health or safety without jeopardy to their employment, but in practice they could not do so without reprisal.

Both the Social Security Institute and the Ministry of Labor had a small corps of inspectors charged with enforcing standards. The ministry employed 186 labor inspectors and reported 5,065 labor violations from January through July. The ministry reported that during the year it trained labor inspectors on inspection protocols and best practices and conducted outreach campaigns for workers and employers that focused on labor rights and duties, enrollment in social security, work contracts, and child labor.

Penalties for nonpayment of wages and safety and health violations ranged between three and six times the minimum wage but were insufficient to deter violations and were rarely applied. Authorities did not always enforce the minimum wage. Workers complained that inspectors were not well trained, did not respond to their complaints, and responded to requests from employers more quickly than requests from workers. In the sugar sector, for instance, there continued to be reports of procedural and methodological shortcomings in the ministry's inspections, including interviewing few or no workers; failing to discuss topics related to labor law compliance with workers; conducting worker interviews with employer representatives present; employing insufficient inspectors with language skills, particularly Creole, necessary to communicate effectively with workers; failing to follow up on allegations of labor law violations made by workers during the inspection process; and failing to conduct follow-up inspections to verify remediation of violations that were identified. FEDOTRAZONAS reported that the government did not sufficiently monitor workplace safety and health regulations and did not sanction identified violations.

Mandatory overtime was a common practice in factories and was sometimes enforced through loss of pay or employment for those who refused. FEDOTRAZONAS reported that some companies set up "four-by-four" work schedules, under which employees worked 12-hour shifts for four days. In some cases employees working the four-by-four schedules were not paid overtime for hours worked in excess of maximum work hours allowed under labor laws. Some companies continued the practice of paying every eight days, a biweekly salary with the four-by-four schedules, instead of every seven days, a weekly salary with a standard 44-hour schedule. These practices resulted in underpayment of wages for workers, as they were not compensated for the extra hours worked.

According to an ILO report published in June 2014, informal employment as a portion of nonagricultural employment grew from 50 percent in 2011 to 51.5 percent in 2012. In 2013 the Central Bank calculated that 58 percent of employment was informal and theorized the high rate of stemmed from a low minimum wage and workforce elasticity in the availability of cheap migrant labor. Workers in the informal economy faced more precarious working conditions than formal workers and were often outside the reach of government enforcement efforts.

On November 12, the Social Security Council (CNSS), chaired by the Minister of Labor, issued a resolution declaring that all persons with legal immigration status in the country were entitled to participate in the national social security system (SDSS). The SDSS includes medical benefits, compensation in cases of occupational injuries and illnesses, and a pension. Prior to the new resolution, non-Dominicans could not receive SDSS benefits. The resolution provides for employers to enroll eligible workers and their direct dependents in the SDSS by demonstrating workers' regularized migratory status and by providing workers' current employment contracts or other appropriate documentation. The resolution, if fully enforced, would expand eligibility for SDSS benefits to many workers.

Conditions for agricultural workers were poor. Many workers worked long hours, often 12 hours per day and seven days per week, and were exposed to hazardous working conditions, including to pesticides, the sun for long periods of time, and sharp and heavy tools. Some such workers reported they were not paid the legally mandated minimum wage.

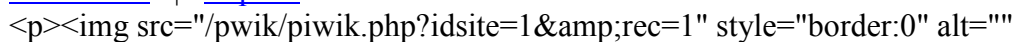
Companies did not regularly adhere to workplace safety and health regulations. For example the National Confederation of Trade Unions Unity reported unsafe and inadequate health and safety conditions, including lack of appropriate work attire and safety gear; vehicles without airbags, first aid kits, properly functioning windows, or air conditioning; inadequate ventilation in work spaces; an insufficient number of bathrooms; and unsafe eating areas.

Accidents caused injury and death to workers, but information on the number of accidents was unavailable by year's end.

In February the Dominican Federation of Port Workers demanded an inquiry by the Ministry of Labor and Finance regarding the payment of pension fund benefits under the names of deceased members. The union wanted an explanation of the destination of pension funds that were allegedly being paid to unknown individuals under the names of some 600 deceased trade union members. The federation reported nearly 4.5 million pesos (\$100,000) were being paid on a monthly basis to deceased members.

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