



FREEDOM IN THE WORLD 2020

Dominican Republic

PARTLY FREE

67

/100

<u>Political Rights</u>	26 /40
<u>Civil Liberties</u>	41 /60

LAST YEAR'S SCORE & STATUS

67 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

The Dominican Republic holds regular elections that are relatively free, though recent years have been characterized by controversies around establishing an electoral framework. Pervasive corruption undermines state institutions. Discrimination against Dominicans of Haitian descent and Haitian migrants, as well as against LGBT+ people, remains a serious problem.

Key Developments in 2019

- The Constitutional Court in May struck down components of a new political party law that criminalized dissemination of negative messages, and it affirmed social networks as important public spaces. The opinion was lauded by press freedom advocates and others as having overturned restrictions on the free exercise of journalism.
- In August, the Constitutional Court struck down multiple sections of the same law that limited some activities of political parties, including aspects of preelection campaigning and activity by candidates without certain prior experience.
- Protests erupted in June and July after President Danilo Medina of the Dominican Liberation Party (PLD) suggested he might seek constitutional reforms that would allow him to run for a third term. He ultimately abandoned the initiative.
- Irregularities and voting-machine errors marred the country's first-ever simultaneous primary elections for presidential, congressional, and municipal candidates, held in October. General elections are set for 2020.
- The National Human Rights Commission reported that security forces had committed at least 80 extrajudicial killings during the year.

TOP

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

3/4

The president is both head of state and chief of government, and is elected to a four-year term. A 2015 constitutional amendment allowed presidents to run for a second term; Danilo Medina, of the Dominican Liberation Party (PLD), won a second term in 2016. In July 2019, Medina decided not to pursue constitutional reforms that would permit him to run for a third consecutive term.

In 2016, observers from the Organization of American States (OAS) monitored the presidential and concurrent legislative elections and deemed the polls credible, but called for major reforms to guarantee greater participation of women and equal access to party financing and media coverage, questioned the efficacy of new electronic voting and vote-counting infrastructure, and condemned election-related violence in which six people were killed. The Central Electoral Board (JCE) claimed the violence erupted due to frustration with delays created by demands for manual vote-counting.

The country held its first simultaneous primary elections for the PLD and the Modern Revolutionary Party's (PRM) presidential candidates in October 2019, and the JCE used the opportunity to test new voting procedures ahead of the May 2020 general elections. The OAS and the Inter-American Union of Electoral Organizations observed the primaries along with local group Participación Ciudadana, and voting irregularities including voting-machine errors were reported. After former president, Leonel Fernández was apparently defeated in the PLD primary; he declared the election fraudulent. Manual recounts affirmed his defeat. Civil society activists said the dispute and other problems revealed uncertainties resulting from authorities' failure to properly audit electronic-voting software.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

3/4

The Dominican Republic's bicameral National Congress consists of the 32-member Senate and the 190-member Chamber of Deputies, with members of both chambers directly elected to four-year terms.

In the 2016 legislative elections, held concurrently with presidential election, the ruling PLD captured 26 Senate seats and 106 seats in the Chamber of Deputies. The next legislative and presidential elections will be held in May 2020.

Primaries for congressional and municipal candidates were held in October alongside the presidential primaries, and were affected by the same issues.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3/4

The 2016 general elections exposed serious problems with electoral infrastructure and the capacities of the JCE. The polls also exposed irregularities in party financing.

In February 2019, the Electoral Regime Law was enacted. The new law restricts the use of state resources in campaigns of incumbent candidates, establishes funding caps on campaigns, and identifies prison sentences for certain election-related crimes. This law and the Law of Political Parties, Groups, and Movements, which was enacted in August 2018 and allows the JCE to administer the primary elections of political parties, establishes the country's new electoral framework. Both laws face legal challenges. In August 2019, the Constitutional Court struck down sections of the Law of Political Parties, Groups, and Movements, including those that interfere with parties' abilities to organize their activities, and which limited preelection campaigning and the eligibility of candidates without prior experience. Additional challenges are pending.

TOP

Despite the JCE's shortcomings, the body operates with some transparency and cooperates with international election monitors, opposition parties, and other relevant groups.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

3/4

Political parties are generally free to form and operate. However, newer and smaller parties struggle to access public financing and secure equal media coverage, hampering their competitiveness. Provisions of the electoral law enacted in August 2018 that required a minimum time candidates must be associated with the parties for which they aspire to run were declared unconstitutional in August 2019.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

3/4

Opposition parties and candidates generally do not face selective restrictions during election periods but are disadvantaged by elements of the electoral framework. Provisions of the August 2018 electoral law prohibiting parties running in an election for the first time from joining preexisting alliances were declared unconstitutional in August 2019 and other challenges were still pending at year's end.

TOP

The PLD has won legislative majorities in the last four elections.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

3/4

People are generally free to exercise their political choices. However, a history of violent police responses to social and political demonstrations may deter political participation by some, and economic oligarchies and organized crime groups have some influence over the political sphere. Electoral laws now require some accountability for campaign finances, including a ceiling on individual contributions and reports on party income, expenditure, and donors. However, donors' identities remain largely shielded, potentially allowing undisclosed donors significant influence over politics.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

1/4

A 2013 Constitutional Court decision stripped Dominican-born descendants of Haitian migrants of their citizenship, and thus their right to vote. Parity laws have led to a higher number of women in the legislature, with 27 percent of positions in the lower house of Parliament occupied by women after the 2016 polling, up from the previous 20 percent. Woman lawmakers report that it is difficult for them to exert influence over their parties' positions and to secure funding for political candidacies.

Discriminatory attitudes and occasional acts of targeted violence against LGBT+ people discourages their political participation. In 2019, an LGBT+ collective, which in July held its annual march in Santo Domingo, demanded more space in politics, asserting that 450,000 of its members were registered to vote in the 2020 elections. **TOP**

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

3/4

Government and legislative representatives are generally able to determine national policies in a free and unhindered manner.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

Corruption remains a serious, systemic problem at all levels of the government, judiciary, and security forces, and in the private sector. A US Justice Department investigation into the Brazilian construction company Odebrecht, the results of which became public in late 2016—revealed that \$92 million had been paid to public officials in the Dominican Republic to obtain contracts for major infrastructure projects in the country during three consecutive governments. Numerous officials from both the previous and current administration were linked to the scandal, but only seven were formally charged. Trials for six of these defendants were ongoing, but the decision in December to separate the cases and transfer five of them to a new criminal court was criticized as an attempt to circumvent justice. The government has not responded to requests to establish an independent inquiry into the Odebrecht corruption allegations. Previously unknown bribes related to the Punta Catalina coal power station project were also uncovered in 2019, prolonging an existing scandal and prompting allegations of efforts by government officials to cover up wrongdoing.

The naming by the US Treasury Department in August of the Dominican nation^{al} leader Cesar Emilio Peralta as a significant narcotics trafficker led to further allegations of government corruption with respect to drug trafficking.

TOP

A September 2019 Constitutional Court decision held that citizens could present complaints against government officials independently of the public prosecutor, and was hailed for empowering citizens to act against corruption.

C3 0-4 pts**Does the government operate with openness and transparency?****2/4**

The government does not always operate with transparency. Although state agencies generally respond to information requests, they often provide inaccurate or incomplete responses. Public officials are required to publicly disclose assets, but nongovernmental organizations (NGOs) have cast doubt upon the accuracy of these disclosures. Public contracting and purchasing processes are opaque and allow for high levels of corruption.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts**Are there free and independent media?****2/4**

The law guarantees freedom of speech and of the press. Several national daily newspapers and a large number of local publications operate in the country. There are more than 300 privately owned radio stations and several private television networks alongside the state-owned Radio Televisión Dominicana (RTVD), though ownership of private outlets is highly concentrated.

Journalists risk intimidation and violence when investigating drug trafficking and **TOP** corruption. Journalists can also face legal or regulatory pressure as a result of their investigations. Journalist Marino Zapete's television program, broadcast on Teleradio América, was taken off the air following reporting in September 2019 on allegations

of corruption by the sister of the country's public prosecutor, and a defamation case against Zapete is ongoing. In May, journalist Teresa Casado of the news portal El Día received telephoned threats in connection with her reporting on a drug trafficking case.

The Constitutional Tribunal in May struck down components of the new political party law criminalizing dissemination of negative messages and affirmed social networks as important public spaces, in an opinion lauded for overturning restrictions on the free exercise of journalism.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

4/4

Religious freedom is generally upheld. However, the Catholic Church receives special privileges from the state including funding for construction, and exemptions from custom duties.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

4/4

Constitutional guarantees regarding academic freedom are generally observed.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

4/4

People are generally free to express personal views in public and privately without fear of retribution or surveillance. **TOP**

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	3/4
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Freedom of assembly is guaranteed by the constitution, and demonstrations are common, but sometimes subject to violent dispersal by police.

In 2019, protests erupted in June in response to President Medina's potential (and since abandoned) pursuit of a third consecutive term. In October, citizens protested former president Fernández's defeat in the PLD primaries. Also in 2019, public school teachers marched over demands including better conditions, workers marched for better salaries, and civic organizations protested forced evictions without compensation and violence against women.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	4/4
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Freedom of association is constitutionally guaranteed, and the government respects the right to form civic groups.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	3/4 TOP
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Workers other than military and police personnel may form and join unions, though over 50 percent of workers at a workplace must be union members in order to

engage in collective bargaining. Workers must exhaust mediation measures and meet other criteria in order for a strike to be considered legal. In practice, workers are often dissuaded from joining unions, and risk dismissal for joining a union.

In August, 2019, more than 20 workers of the hotel company Majestic in Punta Cana were dismissed for unionizing, and at least 20 people were detained that same month during a 24-hour strike in Cibao over local social and economic issues. A protest in April by workers at the Punta Catalina power plant following the consortium's claimed inability to pay bond profits was dispersed with tear gas.

In May 2018, the National Confederation of Trade Union Unit registered a complaint against the Dominican Republic before the International Labor Organization for a breach of international conventions on freedom of association and collective bargaining at several companies. In 2019, members of the business sector, trade unionists and the government met to discuss reform of the Labor Code, but failed to reach an agreement.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	3/4
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Judicial independence is hampered by corruption and the judiciary is susceptible to political pressure. Justices of the Supreme Court and Constitutional Court are appointed to seven- and nine-year terms, respectively, by the National Council of the Judiciary. The body is comprised of the president, the leaders of both chambers of Congress, the Supreme Court president, and a congressional representative from an opposition party, and this composition has led to claims that the body is susceptible to politicization.

TOP

Reports of selective prosecution and the improper dismissal of cases continue. The National Council of the Judiciary has taken some action to curb judicial abuses, and

announced in 2018 that since 2012 it had dismissed 22 judges over questionable rulings in favor of defendants.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	2/4
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Corruption and politicization of the justice system have significant impact on due process, and strongly limits access to justice for people without resources or political connections. Corruption within law enforcement agencies remains a serious challenge.

In late 2018, 60 percent of people being held in prisons were in pretrial detention.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	2/4
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Rates of murder and other violent crime are high. The Citizen Security Observatory, a governmental body that records crime statistics, reported 1,068 homicides in 2018. There was a modest reduction in the homicide rate in the first nine months of 2019. The National Human Rights Commission and NGOs reported that security forces had committed at least 80 extrajudicial killings in 2019.

Prisons are severely overcrowded.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1/4 TOP
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Dominicans of Haitian descent and Haitian migrants face persistent discrimination, including obstacles in securing legal documents such as identification, birth

certificates, and marriage licenses, and have difficulty registering their children as Dominican citizens. In April, the Dominican government refused to recognize the Inter-American Court of Human Rights' resolution stating the Dominican government failed to comply with reparations ordered over violations of the rights of Dominicans of Haitian descent and Haitian migrants.

LGBT+ people suffer from violence and discrimination as well as discrimination in employment, education, and health services. They are still barred from working in certain public sectors, such as the police and armed forces. An antidiscrimination bill remained stalled in 2019 despite renewed calls from civil society to bring it into effect.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2/4

While citizens are generally free to move around the country, asylum seekers and refugees must pay a fee to gain travel documents. Separately, the prevalence of drive-by robberies by armed assailants has prompted some reluctance to move about freely, particularly at night.

People of Haitian descent without identification cards cannot attend university or obtain formal jobs.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

TOP

3/4

Private business activity remains susceptible to undue influence by organized crime and corrupt officials.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	2 / 4
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Violence and discrimination against women remain pervasive, including a high rate of femicide. Many girls are married before their 18th birthday. Poor medical care has left the country with one of the highest maternal mortality rates in the region. After a 2014 law decriminalizing abortion in some situations was struck down in 2015 by the Constitutional Court, a complete ban on abortion was effectively reinstated. In 2018, a national survey revealed that a majority of the population supported decriminalization of abortion.

An Amnesty International report released in March 2019 found that “police in the Dominican Republic routinely rape, beat, humiliate and verbally abuse” cisgender and transgender women sex workers as a means of punishing them for “transgressing social norms of acceptable femininity and sexuality.”

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	2 / 4
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Many workers in the country are employed informally, leaving them without legal protections.

The Dominican Republic remains a source, transit, and destination country for the trafficking of men, women and children for sexual exploitation and forced labor. ^{TOP}

Haitians who lack documentation and clear legal status are particularly susceptible to forced labor. The 2019 *Trafficking in Persons* report issued by the US State Department noted that the government had been more active in addressing

trafficking, including by prosecuting and convicting more people on trafficking charges. However, it noted that victims' services remained insufficient.



On Dominican Republic

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Country Facts

Global Freedom Score

67/100 **Partly Free**

Other Years

2019

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