

Dominican Republic 2023 Human Rights Report

Executive Summary

There were significant changes in the human rights situation in the Dominican Republic during the year, including the mass expulsion of Haitians and stateless persons of Haitian descent, regardless of their claims to legal status, and associated human rights abuses. The government's closure of the border with Haiti in September and its subsequent halt on issuing or renewing residency permits, visas, and asylum seeker certificates to Haitian migrants and persons of Haitian descent, including stateless persons, placed already vulnerable populations at increased risk.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; arbitrary or unlawful interference with privacy; refoulement of refugees to a country where they would face torture or persecution, including serious harms such as a threat to life or freedom or other mistreatment that would constitute a separate human rights abuse; serious government corruption; extensive gender-based violence, including domestic violence and femicides; crimes involving violence or threats of violence targeting persons of Haitian descent; trafficking in persons, including forced labor; crimes involving violence or threats of violence

targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and existence of some of the worst forms of child labor.

The government did not take credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the National Police and other government security forces committed arbitrary or unlawful killings during the year. The National Human Rights Commission reported 75 persons were killed between January and September. While the Attorney General's Office prosecuted some cases of abuse by police, civil society representatives asserted that many killings and abuses went unreported due to the public's lack of faith in the government to investigate and pursue charges or due to fear of retribution by police.

According to the Social Movement of Workers, in February members of the National Police killed Dieumil Charles, a documented legal resident, after attempting to extort money from him during a traffic stop. Police reportedly transported him to a secluded area, beat and shot him, then seized his documents, money, cell phone, and motorcycle.

There were reports of unexplained deaths in custody that occurred during migration detention and deportation operations. During a migration interdiction operation in the Cap Cana area, police and migration agents reportedly shot at a group of construction workers, killing Jean Modes Fontas and wounding others, including individuals who were routed for deportation despite their injuries.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

Although the law prohibited torture, beating, and physical abuse, there were reports that members of the General Directorate of Migration (DGM) and other government security forces subjected individuals, principally persons of Haitian descent, to degrading treatment and physical abuse.

International and local civil society organizations raised concerns regarding harsh and often degrading treatment by DGM and other security forces of undocumented Haitian migrants and stateless persons of Haitian descent during detention and deportation operations and at DGM detention centers in Haina and Santiago. These concerns included arbitrary detentions;

physical abuse of detainees; home entries without warrants; revocation or destruction of identity documents; theft of personal belongings; extortion; sexual violence; inadequate access to food, water, and health care in detention facilities and throughout the deportation process; the unlawful deportation of children, pregnant or lactating mothers, and the elderly; and other hostile or abusive treatment.

In July, media outlets and civil society groups reported DGM, police, and military units raided hospital maternity wards across the country and arbitrarily detained pregnant, postpartum, and lactating women who could not immediately prove their residency status. International observers and civil society observers reported an associated surge of pregnant and lactating women arriving to the border with Haiti to be deported, including those who recently gave birth and their newborn babies. After the operations, DGM and other security forces reportedly began standing guard at hospitals to intimidate or deny entry to any persons of Haitian descent who could not prove their residency status. There were also subsequent reports of deaths of pregnant women or miscarriages in custody due to physical abuse or lack of access to medical attention.

Impunity remained a problem within the security forces, particularly the National Police and the DGM.

Prison and Detention Center Conditions

The prison system consisted of “new-model” prisons, called correctional rehabilitation centers, and “old-model” prisons, although there was no legal distinction between them. Conditions ranged from general compliance with international standards in the rehabilitation centers to harsh and life-threatening conditions in old-model prisons, such as overcrowding, violence, physical abuse, and poor living and sanitary conditions.

Abusive Physical Conditions: According to the National Office of Public Defense, gross overcrowding and unsanitary conditions remained a problem in many old-model prisons. As of July, La Victoria, the oldest and largest prison, held 7,335 inmates, although it was designed for a maximum capacity of 2,103. Overcrowding, physical abuse, and unsanitary conditions also remained a problem at the migration detention centers in Haina and Santiago, as well as the smaller border reception centers in Dajabon, Elias Pina, Jimani, and Pedernales.

In old-model prisons and migration detention centers, health and sanitary conditions were generally deficient. There was a lack of space and available beds, and restroom facilities were inadequate. Illness was the primary cause of deaths reported in the prison system, which was exacerbated by overcrowding and lack of health-care resources. All prisons had infirmaries, but most infirmaries did not meet the needs of the prison population.

Delays in receiving medical attention were common. In most cases, inmates

purchased their own medications or relied on family members or outside associates to provide medications.

Reports of mistreatment and violence were common, particularly in old-model prisons, as were reports of harassment, extortion, and inappropriate searches of prison visitors. There were reports of drug trafficking, arms trafficking, prostitution, and sexual abuse in prisons. Although the law mandated separation of prisoners according to severity of offense, authorities did not always follow the law, particularly in the old-model prisons.

In migration detention centers, observers reported the detention of pregnant, postpartum, and lactating women, unaccompanied children, and the elderly. Observers also reported a lack of access to food or water for periods ranging from several hours to several days, no specialized health care for women or infants, and few protections for women and children, such as separate areas and facilities away from male detainees. Observers reported guards stole detainees' belongings and solicited bribes for their release.

While some prisons were reported to have wheelchair ramps, nongovernmental organizations (NGOs) indicated that most prisons and migration detention centers did not provide adequate access for inmates with disabilities. In the rehabilitation centers and certain old-model prisons, a subset of the prison population with mental disabilities received

treatment, including therapy, for their conditions. In general, the mental-health services provided to prisoners were inadequate or inconsistent with prisoners' needs.

Administration: According to the National Office of Public Defense, government authorities did not adequately investigate credible allegations of mistreatment in prisons. International observers and civil society organizations reported DGM authorities did not investigate widespread allegations of mistreatment in migration detention centers in Haina and Santiago, or at the smaller border reception centers at the four main border crossings.

Independent Monitoring: The government permitted monitoring of prisons by independent nongovernmental observers, international organizations, and media. While the government provided some access to migrant detention centers on an ad hoc basis, it did not permit access for systematic independent monitoring by international observers or local human rights organizations.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their detention in court. The government generally observed this requirement, but arbitrary arrests and detentions without judicial authorization remained a problem,

especially of persons perceived to be undocumented Haitian migrants, who were frequently detained in public or from private residences without probable cause or a court order.

Arrest Procedures and Treatment of Detainees

The law permitted police to apprehend, without an arrest warrant, any person caught in the act of committing a crime or reasonably linked to a crime, such as cases involving immediate pursuit of an alleged criminal or escaped prisoners. Police often detained all suspects and witnesses to a crime. It was common for authorities to detain, fingerprint, question, and then release detainees with little or no explanation for the detention. There was a functioning bail system and a system of house arrest.

The law provided that any person accused of a crime could be detained for up to 48 hours without a warrant before being presented to judicial authorities. There were reports of arbitrary arrests and detainees who remained in police stations or migration detention centers for long periods of time, even weeks, before being released, transferred to a prison, or deported.

The law permitted migration authorities to detain and deport a person when the illegal migration status of the person was established. There were reports, however, that migration officials arbitrarily detained persons, including Dominican citizens, lawful foreign residents, and others, based

primarily on the perception they could be undocumented Haitian migrants.

The law required provision of counsel to indigent defendants. The National Office of Public Defense provided free legal aid to those who could not afford counsel, but due to inadequate staffing, many detainees and prisoners who could not afford private counsel did not have prompt access to a lawyer. Prosecutors and judges were responsible for the interrogations of juveniles because the law prohibited 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 operations, police detained large numbers of residents and seized personal property allegedly used in criminal activity. Civil society groups stated police were often unable to provide evidence or show probable cause for the detentions.

International and civil society organizations reported that during migration interdiction operations, DGM, police, and military forces employed similar tactics against persons suspected of being undocumented Haitian migrants, resulting in arbitrary detention of citizens and foreigners with valid residency documents.

During detention operations and at detention facilities, migration officials did not have access to a centralized database to verify nationality or

residency status of detained persons, often resulting in arbitrary determinations by individual officers. This resulted in widespread corruption, including extortion of detainees and theft of their personal belongings during initial detentions and while in custody at detention centers. Many of the persons detained during migration operations were directly deported to Haiti without a legal proceeding or notification to Haitian authorities, resulting in some cases of Dominican citizens, lawful foreign residents, and stateless Dominicans of Haitian descent being arbitrarily detained and deported.

Pretrial Detention: Many suspects endured long pretrial detention. A judge could order detention lasting between three and 18 months. According to the National Office of Public Defense, nearly 60 percent of all prisoners were in pretrial detention. The length of such detentions occasionally equaled or exceeded the maximum sentence for the alleged crime, with some detentions reportedly lasting years. Time served in pretrial detention counted toward completing a sentence.

The failure of prison authorities to produce detainees for court hearings caused trial postponements. Many inmates had their court dates postponed due to a lack of transportation from prison to court. In other cases, lawyers, codefendants, interpreters, or witnesses did not appear or were not officially called by the court to appear. Despite protections in the law for defendants, in some cases authorities held inmates beyond the legally

mandated deadlines, even when there were no formal charges against the inmates.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provided for the right to a defense in a fair and public trial; however, the judiciary did not always enforce this right. The courts sometimes exceeded the maximum period of time established by the law for setting hearing dates. Due to personnel and resource constraints in the legal system, some defendants were denied one or more rights such as receiving a public defender or having the time and facilities to prepare a defense.

Civil society observers and attorneys complained of the backlog of cases in the judicial system and what they considered undue delay in legal proceedings.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

International and civil society organizations reported migration officials and other security forces conducted illegal searches and seizures, including frequent nighttime raids where they broke into private residences without notification or warrants. Witnesses reported migration officials demanded bribes, destroyed identification documents, stole belongings from homes, and did not give detainees a chance to dress or gather their belongings before taking them to migration detention facilities for further processing or to the border for immediate deportation. In many instances, parents were detained and deported separate from their children, children were detained with the parents, or unaccompanied children were detained and deported without a parent or guardian. Security forces denied involvement in the illegal home entries, but these assertions were not credible in light of the significant number of similar reports from across the country, including some with video evidence.

Senior government officials often responded to reports of abuses by insisting that victims should formally file complaints with authorities. One person of Haitian descent whose home was forcibly entered by security personnel without a warrant in one of many nighttime raids her community had experienced since November 2022 went to the Office of the Ombudsman in March to lodge a formal complaint. The person said there were no indications authorities responded appropriately. Meanwhile, the same community witnessed additional nighttime raids that also went uninvestigated.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Media expressed a wide variety of views, but the government, political parties, and large businesses frequently influenced the press, in part through their large advertising budgets. The concentration of media ownership, weaknesses in the judiciary, and political influence also limited media's independence.

Freedom of Expression: There were incidents in which authorities or

political factions intimidated members of the press or online content creators for media content that was critical of the state or on certain social issues.

In September, media reported the National Police arrested Jude Charles, a Haitian migrant, in Las Matas de Santa Cruz, Montecristi Province, after he criticized President Abinader on social media for the government's treatment of Haitian migrants. Charles was turned over to migration authorities following his arrest.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Observers indicated the government exerted influence on the press, including through advertising contracts. Additionally, journalists practiced self-censorship, particularly when coverage could adversely affect the economic or political interests of government leaders or media owners.

On May 3, World Press Freedom Day, journalists held a press conference in Santo Domingo to protest media censorship and interference. The group condemned reports of violent threats received by journalists and the lack of government response to them. The journalists also expressed concern regarding the cancellation of several television programs, which they viewed as censorship, and government interference in their work, which allegedly included intercepting telephone calls, emails, and other means of communication.

Libel/Slander Laws: The law criminalized defamation and insult, with harsher punishment for offenses committed against public or state figures than for offenses against private individuals. The law penalized libel for statements concerning the private lives of certain public figures, including government officials and foreign heads of state. There were no reported cases of government or public figures using these laws during the year to punish critics of the government or retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

While the freedom of peaceful assembly was largely protected and respected, confrontations occurred between protesters and security forces, and between different groups of protesters. Nationalist groups, which held large protests in Santo Domingo and other cities without government interference, reportedly disrupted other gatherings with little reaction from

the National Police.

In July, Minister of Interior and Police Jesús Vásquez canceled a march planned by civil society and members of the Haitian diaspora, who had obtained the necessary permits. The minister declared the law prohibited foreigners from organizing activities that “affect social peace, citizen security, or public order.” Observers noted it was unlikely he had the legal authority to deny legal residents from planning or participating in peaceful marches, protests, or other assemblies.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: Civil society representatives reported citizens of Haitian descent, Haitian migrants, stateless persons of Haitian descent, and persons of darker complexion perceived to be Haitian faced obstacles while traveling within the country. International and civil society organizations

reported roving patrols and vehicle checkpoints by security forces, particularly near the border with Haiti but also throughout the country, in which security forces asked travelers to show citizenship or residency documents or be detained and routed for deportation. The fear of detention and deportation led these persons to limit their movements outside of their residential communities, thus restricting their ability to access employment, health care, and other social services.

Citizenship: Civil society organizations reported instances of citizens of Haitian descent having their citizenship documentation confiscated on an arbitrary or discriminatory basis by police, migration officers, health-care workers, or other government officials who required the presentation of such documentation. In other instances, citizens were arbitrarily detained or even wrongfully deported before they could provide proof of their citizenship, which typically required the intervention of a family member or NGO with authorities.

e. Protection of Refugees

The government cooperated in a limited manner with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: Presidential decrees from the 1980s established a system

for granting asylum or refugee status; however, the system was not codified in law, and the system for providing protection to refugees was not effectively implemented. Rejection rates for asylum claims were more than 90 percent, and asylum applications often remained pending for months or even years.

The National Commission for Refugees (CONARE), an interministerial body led by the Ministry of Foreign Affairs, was responsible for adjudicating asylum claims. The process required individuals to apply for asylum within 15 days of arrival in the country, and they could apply only at the National Office for Refugees in Santo Domingo. If an asylum seeker was in the country for more than 15 days before applying for asylum, CONARE usually rejected the case on procedural grounds without analyzing the merit of the claim. CONARE also tended to reject any asylum application from an individual who was in, or who proceeded from, a foreign country where the individual could have sought asylum, considering it a “safe third country” even when there was no demonstration of the safety or availability of refugee protection procedures in such countries.

Persons arriving in the country were at risk of immediate deportation due to the lack of a clear process for formalizing asylum claims. NGOs working with refugees and asylum seekers reported there was no information posted online or at points of entry to provide notice of the right to seek asylum, or of the timeline and process for doing so.

Additionally, asylum seekers were not consistently notified of inadmissibility decisions. CONARE did not provide rejected asylum seekers with details of the grounds for the rejection of their asylum application or with information on the appeal process. Rejected applicants received a letter stating they had 30 days to leave the country voluntarily. According to government policy, from the time they received the notice of denial, rejected asylum seekers had seven days to file an appeal. The notice-of-denial letter did not mention the right of appeal.

Observers reported a lack of due process in migration procedures resulted in arbitrary detention of persons with no administrative or judicial review. Observers also reported the government halted issuance or renewal of asylum seeker certificates to all persons of Haitian descent during the year. As a result, asylum seekers and refugees in the country were at risk of prolonged detention and refoulement.

Refoulement: According to refugee organizations, CONARE did not acknowledge that the 1951 Refugee Convention's definition of a refugee applied to persons who expressed a well-founded fear of persecution perpetrated by nonstate agents. During the year, there were reports of persons potentially in need of international protection who were denied admission at the point of entry and subsequently deported to their countries of origin without being granted access to the asylum process. There were also reports of asylum seekers awaiting a determination of their

asylum cases who were detained, whose application documents were not recognized or were claimed to be forgeries, and who were subsequently deported. UN officials reported asylum seekers typically had to wait several months for their applications to be considered for an asylum seeker certificate, and in many cases an application was not sufficient to prevent refoulement. There was generally neither judicial review of deportation orders nor any third-party review of “credible fear” determinations.

Freedom of Movement: Persons claiming asylum often waited months to receive a certificate as an asylum seeker and to be registered in the government database. The certificate had to be renewed every 30 days at the national office in Santo Domingo, forcing asylum seekers who lived outside Santo Domingo to return monthly to the capital, accompanied by all their family members, or lose their claim to asylum. At the same time, this mandatory monthly movement within the country further exposed the asylum seekers to the risk of detention and refoulement. Asylum seekers with pending cases had only this certificate, or sometimes nothing at all, to present to avoid deportation. This restricted their freedom of movement.

Employment: Some approved refugees were unable to acquire from government authorities the documentation they needed to work.

Access to Basic Services: Approved refugees had the same rights and responsibilities as legal migrants with temporary residence permits.

Approved refugees had the right to education, employment, health care,

and other social services. Nonetheless, refugee organizations reported problems remained, particularly related to refugees' ability to afford such services. Refugees reported their government-issued identification numbers were sometimes not recognized, and thus they could not open a bank account or begin service contracts for basic utilities.

Temporary Protection: In 2013, the government began providing temporary legal residency to undocumented migrants through the National Regularization Plan for Foreigners (PNRE), and more than 260,000 persons applied, 97 percent of whom were Haitian. In 2020, the government began imposing stricter documentary requirements and other bureaucratic hurdles to renew residency permits, including those issued through the PNRE, such as providing a valid passport or valid identification card or paying fees that made it impossible for most PNRE beneficiaries to renew their status. As a result, almost all of the 260,000 individuals who applied for temporary residency status under the PNRE had fallen out of status, leaving them vulnerable to detention and deportation by migration authorities.

No temporary residence documents were granted to asylum seekers; those found to be admissible to the application process were issued a paper asylum seeker certificate that was intended to provide them with protection from deportation but did not confer other rights. This certificate often took months to be delivered to asylum seekers. Due in part to this delay, both refugees and asylum seekers lived on the margins of society. Even many

asylum seekers who held valid certificates were detained by DGM and deported to countries to which they had expressed a fear of return.

Foreigners often were asked to present legal migration documents to obtain legal assistance or to access the judicial system; therefore, the many asylum seekers and refugees who lacked these documents were unable to access legal help for situations they faced under criminal, labor, family, or civil law.

Refugees recognized by CONARE were issued one-year temporary residence permits that could not be converted to a permanent residence permit and had to undergo annual reevaluation of the person's need for international protection.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Not applicable.

g. Stateless Persons

While the exact number was unknown, international observers estimated the country had a population of more than 100,000 habitual residents who were *de jure* (legally) stateless, many due to a constitutional change in 2010 and a 2013 Constitutional Tribunal ruling that retroactively revoked birthright citizenship. In 2014, the Inter-American Commission on Human Rights found the ruling constituted an arbitrary deprivation of nationality

and determined the state had a responsibility to restore the nationality of those affected by the ruling.

While a 2014 law created two pathways for stateless persons who were born in the country to claim or acquire nationality, the law was not fully implemented, leaving tens of thousands of persons unable to confirm their nationality or acquire it through the legal process, which included only a limited registration window and a two-year residency requirement. Under the Abinader administration, the Ministry of Interior reduced the office in charge of implementing the law. No stateless person whose application for naturalization was pending when President Abinader entered office in 2020 had received Dominican citizenship under the law, except for 799 individuals whose naturalization was confirmed in November.

The country contributed to statelessness, including through discriminatory denationalization; discrimination against women in nationality laws (such as when Haitian women or stateless women of Haitian descent were not allowed to transmit their spouse's Dominican nationality to their children or when they were unable to obtain citizenship through their Dominican spouse due to documentation requirements); discrimination based on ethnicity; in nationality laws and in their administration; and with birth registration problems.

Stateless persons of Haitian descent were discriminated against by government agencies and offices responsible for nationality and residency

documentation, including by the Ministry of Interior and Police, DGM, and Central Electoral Board. They were also discriminated against by migration enforcement authorities, including DGM, police, and military units, which resulted in arbitrary detentions, unlawful home entries, physical abuse, theft of personal belongings, extortion, prolonged detention in unsanitary conditions, sexual violence, and expulsion from the country. Due to a lack of documentation, stateless persons faced obstacles traveling within and outside the country and did not have equal access to electoral participation, formal-sector employment, property ownership, health care, social services, marriage and birth registration, finance, or education.

Section 3. Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal, direct, and equal suffrage. Active-duty police and military personnel were prohibited from voting or participating in partisan political activities.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: The 2020 national election was reported to be orderly and largely peaceful, but the Organization of

American States and domestic observers noted widespread illegal political campaigning immediately outside of voting stations, indications of vote buying, lack of financial transparency by political parties and candidates, and illegal use of public funds during the campaign.

Political Parties and Political Participation: By law, major parties, defined as those that received at least 5 percent of the vote at the presidential, congressional, or municipal level in the previous election, received 80 percent of public campaign finances, while minor parties shared the remaining 20 percent of funding, with 12 percent for parties that received between 1 and 5 percent of votes, and 8 percent of funding for those that received less than 1 percent of votes. The Organization of American States, domestic NGOs, and minor parties criticized this allocation of funding as unequal and unfair.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. The attorney general, through the Office of the Specialized Prosecutor on Administrative Corruption, investigated allegedly corrupt officials. Nonetheless, government corruption remained a serious problem.

Corruption: In August, the Attorney General's Office arrested 12 individuals – including prosecutors, police officers, and prosecutorial support staff – as

part of Operation Gavilan. The individuals arrested were accused of accepting bribes in return for deleting the electronic criminal records of nearly 17,000 individuals.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A number of domestic and international organizations generally operated without government restriction to monitor and investigate human rights conditions and cases and publish their findings. While some government officials were cooperative and responsive to their views and requests for support, human rights groups, particularly those that advocated for the rights of Haitians and persons of Haitian descent, faced occasional government obstruction.

The United Nations or Other International Bodies: The government maintained a generally positive relationship with the UN country office and subordinate organizations. Some UN organizations, however, were

authorized only on a year-to-year basis, thus requiring frequent negotiation of new authorizations.

Government Human Rights Bodies: The constitution established the position of an independent human rights ombudsperson to safeguard human rights and protect collective interests. The office was considered independent, but there were indications it was not effective in investigating reports of abuses, especially against marginalized persons. There was also a Human Rights Commission, cochaired by the minister of foreign affairs and the attorney general, which promoted respect for the principles of universal human rights. The Attorney General's Office, which appeared to be the only government body with the legal authority to investigate and prosecute alleged human rights abuses, had its own human rights division, which promoted equality and prosecuted cases of discrimination.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of men and women, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence. The law did not explicitly include so-called corrective rape of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. Despite some problems faced by the legal system, the government generally enforced the law effectively. While many

cases were prosecuted, observers estimated many went unreported due to survivors' lack of confidence in the justice system. Sentences for rape ranged from 10 to 15 years in prison and an additional modest fine.

The Attorney General's Office oversaw the Violence Prevention and Attention Unit, which had 19 offices in the country's 32 provinces. The National Police also had a Directorate for Attention to Women and Domestic Violence, which focused on domestic and gender-based violence and had outreach programs. District attorneys played a key role in providing assistance and protection to survivors of violence by referring them to appropriate institutions for legal, medical, and psychological counseling.

The Ministry of Women promoted gender equality and worked to prevent violence against women by implementing education and awareness programs, as well as providing training programs for other ministries and offices. The ministry managed 15 shelters for women and child victims of violence, including one dedicated to victims of trafficking. The ministry also hosted training to strengthen comprehensive assistance to survivors of gender-based violence, including survivors of human trafficking.

The Ministry of Women provided psychological services, legal services, and economic reparation and operated an emergency assistance telephone line for survivors of violence and threats. The ministry liaised with other ministries and government offices to promote gender mainstreaming and nondiscrimination of women in all spheres of public and private life,

including women's political, economic, and individual rights. Due to limited government programs and services, NGOs often played a key role in providing support to survivors of gender-based violence.

Other Forms of Gender-based Violence or Harassment: The Attorney General's Office registered several dozen femicides, which it defined as killings of women committed by a partner or former partner. The Ministry of Women maintained a hotline for survivors of gender-based violence or other crimes. Civil society observers reported discrimination and gender-based violence remained serious problems.

The law defined sexual harassment by an authority figure as a misdemeanor; conviction carried a sentence of one year in prison and a large fine. Observers reported the law was not adequately enforced and sexual harassment remained a problem.

Discrimination: Although the law provided women and men the same legal rights, civil society organizations reported women did not enjoy social and economic status or opportunity equal to that of men. Observers reported women who lived in rural areas, women of color, women with disabilities, and women who were undocumented migrants faced higher rates of discrimination.

According to January statistics from the Dominican Social Security authority, women's pay was on average 12 percent lower than men's pay in the

private sector but 17 percent higher than men's pay in the public sector.

Reproductive Rights: There were no reports of coerced abortion on the part of the government. According to international and civil society observers, sterilization was performed on women without their consent. According to the UN Population Fund, nearly 25 percent of women who were sterilized in the country did not know the procedure was permanent.

Migration raids in hospital maternity wards and the subsequent denial of access to hospitals to undocumented migrants and stateless persons negatively affected women's reproductive rights. Some migrants in detention centers experienced miscarriages due to abuse, mistreatment, or lack of access to health care.

Economic and cultural barriers prevented couples and individuals, especially women and young persons, from accessing contraception. Low incomes and lack of educational programs in schools were barriers to many persons who needed information and resources for family planning and reproductive health care. While family planning NGOs provided contraceptives without charge, many low-income women, particularly those in rural areas, lacked access to contraceptives or used them inconsistently due to costs, irregular availability, and social norms. According to civil society observers, low-income, rural women were likely to experience obstacles in accessing inpatient health care for pregnancy and childbirth as well as most other health services. Emergency contraception was available for purchase

without prescription at most pharmacies.

The government provided some access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception and postexposure prophylaxis were available to survivors as part of response protocols, but most of the burden for providing such services fell on NGOs.

According to the National Health Service, the maternal death rate was 107 per 100,000 births, while the adolescent pregnancy rate remained close to 20 percent for girls and young women ages 15 to 19. According to civil society observers, pregnant students and young mothers often found it difficult or impossible to continue their education. They cited many reasons, including the impact of pregnancy on their health, economic need, and deficiencies in the educational system that prevented many women and girls from returning to school. In some cases, young mothers or pregnant girls were expelled from school, although it was illegal to do so, or were moved to night classes to separate them from other students. Observers also noted that once young women and girls became pregnant, their families and communities considered them emancipated, regardless of their age, and the young women and girls were expected to stay home to take care of the child and carry out other household chores.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited discrimination based on skin color and nationality. The

government did not enforce the law effectively. There was evidence of racial prejudice and discrimination by the security forces and other government offices against persons of darker complexion, in particular Haitians, Dominicans of Haitian descent, or those perceived to be Haitian, especially those who were perceived to be undocumented migrants. Residential communities and worksites with a high concentration of Haitian migrants were targeted by migratory raids and experienced unlawful home entries, arbitrary detentions, physical abuse, and other human rights abuses at a much higher rate than other communities. Civil society and international organizations reported officials denied health-care and documentation services to persons of Haitian descent and undocumented Haitian migrants, which often led to their inability to access schools, formal employment, finance, and other social services.

There were indications anti-Haitian sentiments reached dangerous levels in a period characterized by concerns regarding Haiti's instability and nationalistic sentiments regarding bilateral border tensions. Multiple improvised citizens' groups issued public statements during the year threatening violence against Haitians and their descendants. Authorities not only declined to publicly condemn these threats but, in some cases, appeared to collaborate with groups threatening violence or even targeting migrant communities based on tips from the citizens' groups. These reports contributed to a climate of fear among Haitian migrants and Dominicans of Haitian descent that led tens of thousands to flee the country in the weeks

following the closure of the border with Haiti on September 15. On October 11, the government partially reopened the border, although President Luis Abinader maintained a ban on issuing visas to Haitian citizens and announced he would keep the border closed to all migrants.

Persons of darker complexion experienced discrimination when accessing a variety of government services. Hospitals sometimes wrongfully gave pink birth certificates (indicating foreigner status rather than white certificates for Dominican citizens) to children of parents assumed to be Haitian migrants based on the color of their skin, accent, or name. This prevented some Dominican parents from registering their children in the civil registry and securing the rights of Dominican citizenship for their child. Parents unable to register their children within the required time period faced additional legal problems in gaining recognition for their children as citizens.

Migration agents, police, and other security forces arbitrarily detained persons of Haitian descent for deportation or accused them of crimes based on their skin color, accent, place of residence, name, or a combination of such characteristics. International and civil society observers reported incidents of Dominican citizens and Haitian legal residents being arbitrarily detained under suspicion they were undocumented migrants and transported to migration detention centers before authorities determined their legal status and released them. Following the migratory raids in hospital maternity wards in July, there were reports DGM authorities and

other security forces at times arbitrarily denied persons of Haitian descent access to health-care facilities, regardless of their legal status.

Persons of Haitian descent and persons of darker complexion were reportedly denied equal access to the procedures for the application, issuance, and renewal of naturalization claims, residency permits, visas, and asylum seeker certificates, with some persons inexplicably waiting for months for routine services that historically took only days. There were reports late in the year the government had arbitrarily ceased issuing or renewing all migratory permits or visas to Haitians, a step that eventually would drive the entire Haitian community into irregular status. This treatment was reserved exclusively for Haitians, as persons of other nationalities did not report similar problems. It served to facilitate the mass expulsion of Haitians and stateless persons of Haitian descent, of whom the government deported an estimated 300,000 (although many subsequently returned through porous border passages). The entire community of Haitians was estimated to comprise 500,000 in the country's most recent census (2017).

Children

Birth Registration: Observers reported some mothers faced discrimination while registering the births of their children. Registration was particularly difficult for couples consisting of a Dominican father and a Haitian mother or

a stateless person of Haitian descent who did not have the identification documentation required by the Central Election Board for birth registration, such as a passport or national identification card. Dominican mothers typically faced fewer impediments in registering their children in the civil registry, regardless of the nationality or residency status of the father. These obstacles to timely birth registration, which was necessary to determine citizenship, put at risk children's access to a wide range of rights, including the right to nationality, to a name and identity, and to equality before the law.

Education: Observers reported instances of children of stateless persons, refugees, and undocumented migrants being denied access to schools due to arbitrary documentation requirements, or of not receiving their diplomas upon completion of studies, which in some cases prevented them from attending secondary school or applying for admission to a university.

Child Abuse: Abuse of children younger than 18, including physical, sexual, and psychological abuse, was a serious problem. The law contained provisions concerning child abuse, including physical and emotional mistreatment, sexual exploitation, and child labor. The law provided for sentences of two to five years' incarceration and a large fine for persons convicted of physical and psychological abuse of a minor. The government did not enforce the law effectively, and local NGOs noted that few abuse cases were reported to authorities and fewer still were prosecuted.

Child, Early, and Forced Marriage: The law prohibited marriage of persons younger than 18. The government did not always enforce the law effectively. It was common for girls to live with older men and marry once they attained legal age. Girls were often considered emancipated after giving birth to a child or upon marriage. Child marriage occurred more frequently among girls who had limited education, were poor, and lived in rural areas. According to 2019 UNICEF data, 36 percent of women were married or in a union by age 18 and more than 58 percent of women in the country's poorest quintile were married or cohabitating by age 18.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for child pornography and commercial sexual exploitation; however, the law against human trafficking required a demonstration of force, fraud, or coercion, even in cases involving minor victims of sex trafficking. The law defined statutory rape as sexual relations with anyone younger than 18. Penalties for conviction of statutory rape were 10 to 20 years in prison and a significant fine.

The law allowed for commercial sex but did very little to regulate it or provide protections to individuals employed or exploited in such activities. Observers reported this created problems for children who were trafficked in commercial sex, particularly in tourist locations and major urban areas. International and civil society observers reported that in some instances government officials and law enforcement in tourist areas ignored or were

complicit in the commercial sex industry, resulting in difficulties investigating and prosecuting child sex trafficking or the sexual exploitation of children. Child pornography was rampant and growing due to the ease of online exploitation. The government did not enforce the law effectively.

Antisemitism

The Jewish community comprised approximately 350 persons. There were no reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law did not criminalize consensual same-sex sexual conduct between adults or so-called cross-dressing. According to civil society observers, there were cases of LGBTQI+ persons, in particular transgender women, being arbitrarily harassed, abused, and arrested by police and other authority figures who cited public indecency, loitering, or other seemingly neutral laws to justify their actions.

Violence and Harassment: There were instances of violence and threats of violence by nonstate actors against LGBTQI+ persons and the human rights defenders who advocated on their behalf, especially against lesbians, gay men, and transgender women. Victims often declined to file complaints due to fear of further harassment or being outed. The National Police were less responsive to reports of these crimes because police generally did not prioritize this victim group, were poorly equipped to respond appropriately, or showed indifference or outright hostility to the LGBTQI+ community. Prosecutors often referred cases of violence against LGBTQI+ persons to the Attorney General’s Human Rights Unit rather than file charges at the local level. LGBTQI+ activists reported being harassed and threatened by nationalist groups. Media and civil society observers highlighted reports of LGBTQI+ persons being targeted for kidnapping, robbery, extortion, abuse, or killing through location-based dating apps, although incidences appeared to have declined since 2022.

Discrimination: The constitution protected the principles of nondiscrimination and equality before the law, but it did not specifically include sexual orientation, gender identity and expression, or sex characteristics as protected categories. It prohibited discrimination on the grounds of “social or personal condition” and mandated that the state “prevent and combat discrimination, marginalization, vulnerability, and exclusion.” The law prohibited discrimination, exclusion, or preference in employment, but there was no law against discrimination in employment

based on sexual orientation, gender identity, or stateless status. The law prohibited discrimination based on sexual orientation and gender identity only for policies related to youth and youth development. The law did not recognize LGBTQI+ couples or their families and did not grant them rights equal to those of other persons.

Civil society organizations reported widespread discrimination against LGBTQI+ persons, especially transgender individuals (both transfeminine and transmasculine), which limited their ability to access education, employment, health care, housing, justice, security, and other services.

Availability of Legal Gender Recognition: The government did not allow transgender or intersex individuals to change the gender listed on their identification documents to align with their gender identity and sex characteristics. There was no option to identify as nonbinary, intersex, or gender nonconforming.

Involuntary or Coercive Medical or Psychological Practices: The government and health authorities did not take a public position on so-called conversion therapy practices. According to civil society organizations, religious groups attempted to “convert” LGBTQI+ persons into heterosexuals through practices that were emotionally and physically damaging. There were no reports of medically unnecessary and irreversible “normalization” surgeries performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no legal restrictions on the freedom of expression, association, or peaceful assembly, including the ability of LGBTQI+ organizations to register or convene events such as Pride festivities. According to civil society observers, however, unequal enforcement of the law or support from public institutions sometimes limited LGBTQI+ individuals and organizations from exercising these rights on an equal basis.

Persons with Disabilities

Persons with disabilities were unable to access education, health services, public buildings, or transportation on an equal basis with others. The law stated the government was required to provide access to the labor market and to cultural, recreational, and religious activities for persons with disabilities, as well as physical access to all new public and private buildings. The law was not enforced effectively. The law specified that each ministry should collaborate with the National Disability Council to implement these provisions.

According to civil society organizations, government efforts to support persons with disabilities were largely focused on responding to individual cases of concern and broader efforts largely focused on public awareness and charitable fundraising through the private sector. Overall, very few public buildings were fully accessible, and the lack of accessible public

transportation, specialized medical services, and other services was a major impediment, especially for persons with disabilities living in rural areas.

The Municipality of Santo Domingo created a Department of Inclusion, which focused on equal access for persons with disabilities. President Abinader directed the Ministry of the Presidency to launch similar departments in all municipalities across the country, but no initiatives were undertaken by other ministries to address obstacles in the education or health systems. According to civil society organizations, there were very few schools that specialized in education for students with mental and physical disabilities, and there was a lack of teachers, funding, and other resources in the public education system to support students with disabilities. Similarly, many public hospitals and clinics did not have programs or services to address the needs of persons with disabilities.

The National Council for Children and Adolescents operated three government centers for the care of children with disabilities: in Santo Domingo, Santiago de los Caballeros, and San Juan de la Maguana. These centers served a small percentage of the population with disabilities, offering services to children with cerebral palsy, Down syndrome, and autism spectrum disorder. The centers had lengthy waiting lists for children seeking care. According to a 2016 Ministry of Education report, 80 percent of registered students with disabilities attended some form of school.

Other Societal Violence or Discrimination

There were reports of citizens attacking and sometimes killing suspected criminals in vigilante retaliations for theft, robbery, or burglary. Authorities usually investigated these incidents and prosecuted those involved.

Although the law prohibited the use of HIV testing to screen employees, the government, Human Rights Watch, Amnesty International, and the International Labor Organization reported workers in various industries faced obligatory HIV testing. Workers were sometimes tested without their knowledge or consent. Many job applicants found to have HIV were not hired, and some of those already employed were either fired from their jobs or denied adequate health care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers, with the exception of the military and police, to form and join independent unions, conduct legal strikes, and bargain collectively; however, it placed several restrictions on these rights. For example, the law restricted collective bargaining rights to unions that represented a minimum of 51 percent of the workers in an enterprise. In addition, the law prohibited strikes until lengthy mandatory mediation

requirements were met. Formal strikes occurred but were not common.

Formal requirements for a strike to be legal included the support of an absolute majority of all company workers for the strike, written notification to the Ministry of Labor, and a 10-day waiting period following notification before the strike could proceed. Government workers and essential public-service personnel could not strike. The government adopted a broad definition of essential workers that included teachers, public-service workers in communications, and employees in pharmacies.

The law prohibited antiunion discrimination and forbade employers from dismissing an employee for participating in union activities, including being on a committee seeking to form a union. Although the Ministry of Labor had to register a union for it to be legal, the law provided for automatic recognition of a union if the ministry did not act on an application within 30 days. The law allowed unions to conduct their activities without government interference.

Public-sector workers could form associations registered through the Office of Public Administration. For the association to be formed, the law required that 40 percent of employees of a government entity agree to join.

According to the Ministry of Labor, the labor code applied to all workers, including foreign workers, those working as domestic workers, workers without legal documentation, and workers in the free-trade zones.

The government did not effectively enforce laws related to freedom of association and collective bargaining, and penalties were less than those for other laws involving denials of civil rights. Penalties were rarely applied against violators. The process for addressing labor violations through criminal courts could take years, leaving workers with limited protection in the meantime.

In recent years, there were reports of intimidation, threats, and blackmail by employers to prevent union activity. Some unions required members to provide identity documents to participate in the union even though the labor code protected all workers regardless of their legal status. Workers and civil society representatives reported companies resisted collective negotiating practices and union activities. Companies reportedly fired workers for union activity and blacklisted trade unionists, among other antiunion practices. Some workers reported they had 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. Some workers, despite paying union dues, indicated enterprise-level unions did not represent their interests, advocate on their behalf, or involve them in union matters.

Although some companies had collective bargaining agreements, other companies created obstacles to union formation and used expensive and lengthy judicial processes to avoid independent unions and collective

bargaining.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at

<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a minimum wage that varied depending on the size of the enterprise and the type of labor. In 2022, the minimum wage for all sectors within the formal economy was above the poverty line as defined by the *canasta básica* (a basic basket of food products). The minimum wage for several sectors, such as agriculture and employees of small businesses, however, was less than the official poverty line, which was defined by the *canasta familiar* (a basket of food products and services).

The law established a standard workweek of 44 hours, not to exceed eight hours per day on weekdays, and four hours on Saturdays before noon. Agricultural workers were exempt from this limit and could be required to work up to 10 hours each workday without premium compensation. Businesses in some sectors, such as mining and the textile industry, had “4x4” schedules in which employees worked 12-hour shifts for consecutive four days, followed by four days off.

The law covered different labor sectors individually. For example, the labor code covered workers in the free-trade zones, but those workers were not entitled to bonus payments, which represented a significant part of the income of most workers in the country.

A new guideline to improve the oversight of domestic work, one of the least-regulated labor sectors, was announced in September 2022, with a 90-day implementation timeline. The proposed guideline required registration of domestic workers in social security, established a minimum wage, and defined working hours, among other benefits. In June, however, the resolution was rendered null and void by the Constitutional Court, on constitutional grounds, preventing its implementation. According to the court’s ruling, the government would need to amend the labor code to include these new guidelines on domestic work rather than issue a resolution.

Mandatory overtime was a common practice in factories, enforced through

loss of pay or employment for those who refused.

Occupational Safety and Health: The Ministry of Labor set occupational safety and health (OSH) regulations that were appropriate for the main industries. By regulation, employers were obligated to provide for the safety and health of employees in all aspects related to the job. By law, employees could remove themselves from situations that endangered health or safety without jeopardy to their employment, but they could face other punishments for their action.

The law required the establishment of safety and health committees in workplaces with 15 or more workers, and safety and health coordinators in smaller workplaces. Ministry of Labor inspectors conducted both proactive inspections as well as inspections based on workers' OSH complaints.

Wage, Hour, and OSH Enforcement: Ministry of Labor authorities conducted inspections but did not effectively enforce minimum wages, hours of work, and OSH standards. Penalties for violations were less than those for similar crimes such as fraud or negligence and were rarely applied against violators. The number of labor inspectors was not sufficient to enforce compliance. Inspectors had the authority to conduct unannounced inspections. Inspectors did not have the authority to assess penalties but could recommend sanctions to the Public Ministry, which was responsible for pursuing and applying penalties for labor violations uncovered by labor inspectors. In practice, penalties were rarely applied.

Conditions for agricultural workers were poor. Many workers worked long hours, often 12 hours per day and seven days per week, and suffered from hazardous working conditions, including exposure to pesticides, long periods in the sun, and limited access to potable water. Some workers reported they were not paid the legally mandated minimum wage.

Sugar producers were accused of labor abuses such as withholding wages, abusive working and living conditions, excessive overtime, and substandard pay. As of November 2022, the Central Romana Corporation was limited in its ability to export sugar due to unresolved indicators of forced labor in its operation. Some sugar and agricultural producers proactively worked with civil society and the government to address worker complaints and improve compliance with international legal standards.

The law applied to both the formal and informal sectors, but it was seldom enforced in the informal sector, which comprised approximately one-half of the workforce.