

Dominican Republic: Attempts at government Continuity threaten freedom of expression

Executive summary

In an outlook of electoral contests defining the candidates for municipal, congressional, and presidential elections between February and May 2020, the government's attempt at clinging to power for a third consecutive term brought about conflicts with freedom of expression. Whistleblowing by journalists on government corruption sparked confrontations that made their way to the judicial sphere. Social media contributed to the redefinition of the country's media pulse with micro-narratives.

Introduction

In the period covered by this study, freedom of expression was subjected to great pressure from government circles seeking to keep ruling Dominican Liberation Party (Partido de la Liberación Dominicana, PLD) and incumbent president Danilo Medina in power for another four years, after two consecutive terms in office.

In the study cycle, which began on May 1, 2019 and ended on April 30, 2020, the country was the stage of political confrontations within the party in power since 2004 and its most prominent leaders: President Danilo Medina and former President Leonel Fernández. By means of government-funded newspersons and media, dubbed *bocinas* (loudspeakers), those sections of public opinion in favor of a constitutional reform that would allow for yet another reelection of President Medina, after that agreed with Fernandez in 2016, gained a wider audience.

The fight for the cause of political opponents to the government continuity agenda was covered practically free from censorship by independent journalists, from both alternative and mainstream media, with the exception of journalist Marino Zapete, standing trial after blowing the whistle on a corruption case in the Ministry of Public Works (Ministerio de Obras Públicas). Newspersons critical of the government who launched independent projects, such as Sergio Carlo (El Antinoti, 2020) and Altagracia Salazar (Sin Maquillaje, 2020), on YouTube and Facebook, among other platforms, consolidated their media positioning with an exponential growth of followers, and got their content funded by voluntary contributions from users.

The cancellation of municipal elections, due to a "technical failure", according to the Central Electoral Board (Junta Central Electoral, JCE), after being held on Sunday, February 17, 2020 (JCE, 2020), exacerbated the climate of political insecurity. Postponed to March 15, the contest in which opposition Modern

Revolutionary Party (Partido Revolucionario Moderno, PRM) attained overwhelming victories took place amidst the onset of the pandemic triggered by COVID-19. The media, with its journalists deployed across the country, took risks to reflect the scope of this health issue (Rosario, 2020).

Analysis of results

In the 22-country assessment of performance regarding freedom of expression, the Dominican Republic scored 47 points, whereby reaching the 14th position of this Index. This is a far cry from the first country in the ranking, Chile, which scored 80 points. Reports on corruption and impunity made by journalists and challenged by the government sparked a climate of uncertainty for democracy.

Environments

Executive environment

The executive environment had the greatest influence on situations discouraging free speech in the Dominican Republic, namely, a strong influence reflected in an average of 5.35.

On May 2, 2019, when this study began, the Dominican Association of Journalists (Colegio Dominicano de Periodistas, CDP) demanded more respect towards journalists and the exercise of their profession in the Dominican Republic on World Press Freedom Day (Listín Diario, 2019). It reported the cases of journalist Marino Zapete and others across the provinces of the country, who – it stated – "have been humiliated, imprisoned, handcuffed like criminals, stripped of their video equipment and got the images [therein] deleted" while in the exercise of their profession by National Police (Policía Nacional) and Army detail.

Zapete's television program was cancelled by the owner of the media outlet, after this newsperson blew the whistle on an alleged act of corruption involving the sister of the Attorney General of the Republic (Procurador General de la República), Jean Alan Rodríguez Sánchez (an official appointed by the Executive), and later filed it in court. The above journalist echoed an investigation into contracts worth \$14 million awarded outside of the Purchasing and Procurement (Compras y Contrataciones) system.

On April 3, in a confrontation episode between newsmen and the government, journalist Alicia Ortega (Diario Libre, 2019), expressed her outrage when she learned on the news that the government had used a message from the media group headed by her to raise awareness of the need to stay home and prevent the coronavirus. The government used said content without her consent. Days later, the director of the Communications Bureau of the Office of the President (Dirección de

Comunicación [DICOM] de la Presidencia), Roberto Rodríguez de Marchena, apologized.

In the period analyzed, government advertising expenditures made headlines in view of their disproportionate amounts compared to social spending. An Oxfam report (2019) indicated that, during fiscal year 2019, the Dominican government "has spent five times more on advertising and publicity than on social housing". Lawyer Cándido Mercedes (Mercedes, 2019) indicated in November 2019 that the government had turned the country into a "Loudspeaker State", with a daily investment in advertising and publicity ranging between 11 and 16 million Dominican Pesos a day.

Judicial and legislative environments

With respect to the judicial environment, there is a moderate influence, rated at 2.94 out of a maximum 10 points possible. In addition, with regard to the legislative environment, a moderate influence is evident with a score of 3.97 points.

On September 19, the Fourth National District Criminal Chamber (Cuarta Sala Penal del Distrito Nacional) sent the above journalist's case to the Supreme Court for trial (El Nuevo Diario, 2019). He was indicted for slander and defamation against Maybeth Rodríguez Sánchez. Zapete went to court accompanied by journalists who denounced the "kidnapping of Dominican justice" (De León, 2019).

In another judicial issue, restrictions on freedom of expression were repealed allowing for the consequential recovery of rights. On September 16, 2019, the Constitutional Court (Tribunal Constitucional) ruled Electoral System Organic Law (Act #15-19) Articles 44 and 284 (Artículos 44, 284, Ley Nro. 15-19 Orgánica de Régimen Electoral) unconstitutional, since they curbed freedom of expression and penalized the media (Tribunal Constitucional, 2019).

On September 10, 2019, journalist Nuria Piera unveiled Executive Order 290-19, whereby Ingrid Jorge, a young woman from the entertainment world, daughter of a TV host known by the moniker *La Tora* (The She-Bull [*sic*]), was appointed first secretary at the Dominican Embassy in the United Arab Emirates. Piera denounced that the executive order had not been released to the media on the WhatsApp chat group used by the DICOM for briefing the press daily. It was under the General Law of Free Access to Public Information (Ley General de Libre Acceso a la Información Pública) that she was able to obtain the document, through the Advisory Office (Consultoría) of the Executive branch. After the executive order became known, Piera posted that she had received threats against her daughter from *La Tora* for making the above appointment public (N Digital, 2019).

In the context of actions by the Legislative and Executive to reform the Constitution, NGO *Participación Ciudadana* (Citizen Participation) stated in its 2019 status report, published on December 18, "The growing pressure from citizens and

the national press in favor of improving the quality of democratic and electoral processes in the country" (Participación Ciudadana, 2019).

Realm A: Hurdles to information flow challenge free expression

The experts inquired assessed with a low score the information flow that citizens require in order to be considered well informed and able to express themselves freely: 11.6 out of 23 possible points. In line with the controls exerted by the government over public opinion by means of its advertising budget (realm of the survey regarding informed citizens free to express themselves), the greatest influence on this realm came from the Executive branch, with 6.78 points.

Meanwhile, with respect to free speech, the rating is reduced to 5.4 out of 12 points. This assessment is linked to the control exercised by the government over different types of media. This includes the digital domain and the judicial environment. During the period under review, operatives and news professionals hired by the government actively engaged in social media, as well as so-called bots, even with photographs of dead people, to set trends favorable to opinions of government officials and their actions (Lo que sucedió, 2019).

On February 6, an audio recording was released on WhatsApp by the director of the President's Social Plan, Iris Guaba, in which she issued orders to the members of a group to "lynch-mob Huchi Lora, Altagracia Salazar, and Orlando Jorge Mera" (Diario Libre, 2020b). The first two, journalists recognized for their fight against corruption and impunity, and the third, leader of PRM (opposition), had questioned the above government institution's tender for the purchase of electrical appliances, just a few days before the municipal elections, in order to give them away to low-income constituents.

The tensions between the Judiciary and the press were evident in another exchange on September 28, 2019. Then, journalist Zapete announced that his program had been taken off the air following whistleblowing on the sister of the Attorney General of the Republic. Head National District Attorney Rosalba Ramos reacted against this newsperson on her Twitter account: "Freedom of expression has a boundary: Veracity" (Ramos, 2019).

Realm B: Journalism faces tough challenges

When the survey focuses on guarantees to the exercise of journalism, the rating, out of a theoretical maximum 10, that the Dominican Republic was given by the experts, reached 7 points. These experts inquired indicated that the government rewards media outlets portraying the public administration in a favorable light with allocations from its advertising budget.

In the legislative area, access to information is fluid, because sessions of both houses of Congress and draft bills under consideration are posted on the National Congress website. However, compared to the period under study, it is noteworthy that, in the previous year, 2018, the Speaker of the House spent on providing training for the journalists covering legislative sessions and activities so they would know how to find and download the wealth of information available on the site. In August 2019, the earmarking of resources allowing journalists to more skillfully search the information published was not renewed.

During the military and police blockage that the government deployed around the Congress in June 2019 (Herrera, 2019), as part of the pressure to get legislators to approve a constitutional reform that would allow for the president's re-election, journalists were affected by tight security measures for access to the parliamentary premises. Although they were not denied entry after showing their credentials, they were subjected to rigorous checks. On multiple occasions, there were also disruptions of the Internet service offered by the legislative body. Journalists had to use their own mobile internet so that they could report from the premises.

The COVID-19 pandemic also restricted media access to journalistic sources, although sessions from both Houses – Representatives and Senate – streamed on the National Congress YouTube channel allowed following live the deliberations and voting.

Realm C: The press focuses on impunity in the wake of the cancellation of elections

In this realm, relating to violence and impunity, the Dominican Republic achieved 8.4 points out of a theoretical maximum of 42, suggesting a climate of violence and impunity against journalists. Relevant in the report are the scores obtained by the sub-realms of protection – that added 3.2 of a maximum 10; persecution, with 4.6 against the maximum of 15; and impunity, which decreased to minimum levels, with a rating of 0.6 against 17.

The 2019 Country Report on Human Rights Practices in Dominican Republic, published by the United States government on March 11, 2020, includes the CDP complaint regarding journalists who “were sued by politicians, government officials, and the private sector to pressure them to stop reporting” (El Día, 2020).

In the months reviewed, the exercise of journalism spurred confrontations between a faction of the press favoring the government and the Central Electoral Board, during the botched elections of February 2020 and the days following, and journalists critical of government bodies’ officials. *Plaza de la Bandera* (Flag Square), located in front of the electoral body’s headquarters, became the stage of protests demanding free elections, with the prominent participation of young people (Telemundo 47, 2020).

In this realm, the Executive Branch performed the poorest, with an influence of 8.75, regarding persecution. This result can be linked to the February 20 manifesto, in which 23 opinion leaders, including prominent journalists and newsmen, expressed their concern as media workers for the situation facing the country (Rivera, 2020). They demanded the implementation of minimum guarantees necessary for the elections scheduled for March 15 and May 17, 2020.

Since the release of the above document, the newsmen who signed it constantly made calls for the citizens' right of expression, and for the clarification of the reasons compelling the electoral tribunal to cancel the elections in which electronic voting was being introduced.

Realm D: The Medina government does not disguise its control over the media

Opinions on this realm, which focuses on actions preventing direct and indirect control over freedom of expression, resulted in a score of 11 in the former sub-realm and 9 in the latter, out of 16 and 9 points possible, respectively.

However, in the context of a media ecosystem that is increasingly dependent on government advertising, alternative media assume the most active role in reporting on the facts challenging government-sponsored releases.

Based on the perception of the experts inquired on the influence exerted over the media to the detriment of freedom of expression, it is relevant to establish that the major privately owned media outlets preserve critical spaces, op-ed pages, and reports. Their digital platforms also enable users to express themselves. These spaces serve as a counterweight to the information released by government communications offices.

On the other hand, there is a particular take on the possibilities that the media and the citizenry enjoy in terms of benefitting from access to official sources so that they can blow the whistle on actions in conflict with ethics and get replies to complaints.

During the period under analysis, there was not a single complaint regarding the General Bureau of Ethics and Government Integrity (Dirección General de Ética e Integridad Gubernamental) website. Considered inoperative by the press and the public, the agency, which reports to the Dominican Republic Ministry for the Office of the President (Ministerio de la Presidencia de la República Dominicana), is the "governing body in matters of ethics, transparency, open government, fight against corruption, conflict of interest, and free access to information in the government's administrative sphere".

Conclusions

As indicated by the experts inquired, the favoritism shown by government institutions when choosing media outlets, or radio and television programs, in which to buy advertising slots continued to be relevant. Those taking a stance favorable to the government were rewarded with millionaire allocations.

The credibility of the government's favorite commentators, dubbed "loudspeakers", during a period of increasing whistleblowing on corruption and impunity, was challenged by statements from political opponents and journalists critical of the prevailing system.

The impact of government advertising allocations became vital during the beginning of the pandemic caused by the spread of the Coronavirus. The media and its journalists, as of mid-March 2020, endeavored to report on this health issue in the country, which implied spending on daily transportation to hospitals or areas with positive cases and on health protection for media professionals.

With the increase of coverage expenses, there was a drop of over 50% in advertising from the private sector, which represented a new challenge for the profitability of the media's [efforts to] guarantee job security for journalists and technical crews part of communications and content production professions.

In general, Dominican journalists were not exposed to the deployment of the military and law enforcement against them. However, as stated herein, other branches of government, such as the Judiciary, set at least one precedent for attempts at quelling the voice of a journalist critical of the government.

During this period, the call for respect of free speech and responses to citizens' demands during a massive event on *Plaza de la Bandera* in Santo Domingo on February 27, Dominican Independence Day, was significant. This mobilization known as *El Trabucazo 2020* (The Huge Demonstration 2020), organized by concerned youth and independent organizations, received an important endorsement from outstanding newsmen of the country, who joined pop artists in support of this rally that gathered thousands of people.

While independent journalists expressed themselves freely on social media during the period reviewed, there was a boom in micro-narratives that added up hashtags to whistleblowing and opinions against the government. Memes from social media users and cartoons from the mainstream media largely defined the rallies for the free expression of thought amidst the social tension sparked by electoral processes.

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