

DOMINICAN REPUBLIC

A SETBACK FOR FREEDOM OF EXPRESSION

Executive Summary

With the Modern Revolutionary Party (*Partido Revolucionario Moderno*, PRM) into its second year in office, the atmosphere of the freedom of expression in the country sustained several attacks, which were remediated later thanks to the reaction of the citizenry and the mobilization of civil society organizations. Most remarkably, reporters of some media outlets and the ombudsman were attacked during an event in which a car impound facility was undergoing an inspection. Also noteworthy are the thwarted attempt to pass legislation that would censor freedom of expression. Citizens' social media, independent journalists, and mainstream media were key platforms for whistleblowing and complaints about these events.

Introduction

Dominican Republic overcame the pandemic caused by COVID-19 and left freedom of expression subjected to pressure which, although scarce or uncommon, required strong reactions from society to avoid setbacks in this area. There are records of at least one direct attack against some media outlets and the ombudsman by members of the National Police (*Policía Nacional*).

Col. Ysabelita de los Santos and six subordinates underwent disciplinary measures after assaulting journalists of the newspaper *Listín Diario*, of CDN Channel 37, and Ombudsman Pablo Ulloa, at a car impound facility dubbed the *Canódromo* (i.e., greyhound track). Subsequently, citizens and the media condemned these incidents in the strongest terms. The events took place on April 12, 2022, and the officer was removed later that day. Afterwards, on June 22, the Attorney General's Office requested arrest warrants for the aggressors (*Listín Diario*, 2022).

[President-elect] Abinader took the head Executive office on the promise of radical changes to guarantee freedom of expression, following a contrary performance by preceding administrations of the Dominican Liberation Party (*Partido de la Liberación Dominicana*). These promises were kept during the first year of his administration. However, a bill passed by the Senate of the Republic on May 17, 2022, aimed at regulating "the right to privacy, honor, reputation, and image" came as a surprise.

Immediately the bill was perceived as a "muzzling law". This piece of legislation, introduced by a congressperson from the ruling party, was rejected by the Dominican Association of Journalists (*Colegio Dominicano de Periodistas*), the Dominican Newspaper Society (*Sociedad Dominicana de Diarios*, SDD), and other organizations with significant *gravitas* on social order such as [NGO] Participación Ciudadana. The Inter-American Press Society (IAPA) also condemned the initiative (*Diario Libre*, 2022).

In view of the enormous rejection of the bill, the Executive had its congressional caucus abort the project and decided to create an advisory committee with honorary status to prepare a draft proposal to upgrade the legislation on freedom of expression. Executive Order 333-22 has

the stated objective of unifying criteria on the legal provisions for this fundamental right (CRC, 2022).

Results analysis

When assessing the Dominican Republic in terms of freedom of expression, there is a slight increase in what the Index considers a slight influence compared to the previous yearly period under analysis dating from July 31, 2020 to August 1, 2021. However, the increase does not translate into a perception that would place the country in a position jeopardizing the climate of freedom in which citizens, journalists, and the media in general operate.

With 78.30 points, the country ranks fourth among the 22 countries reviewed by the Index, with Canada (80.42) in the leading position, Jamaica (80.40), and Uruguay (78.90), in second and third place, respectively.

In general, the experts inquired on the Dominican Republic indicated that, during the period of analysis, all the realms of the Index underwent a slight influence: Citizens Free to Express Themselves: 1.33, 0.58 and 1.00, by the Legislative, Judicial, and Executive environments, respectively.

Regarding the [realm of] Exercise of Journalism, the Legislative environment achieved 0.67, the Judicial 0.50, and the Executive 0.50.

The country obtained its best rating in the Realms C and D, which review Violence and Impunity and Control over the Media. In the three environments mentioned above, the result is 0.00, with a maximum value of 10.0.

Realm A: The practice of journalism in the Dominican Republic did not pose major dangers, displaying a behavior typical of democracies.

Upon assessment of the realm of Citizens Free to Express Themselves, the Legislative showed the worst performance, 1.33; but this result remained within a slight influence. It is far from a strong influence, which rises to ten points.

This estimate is based on a distinct fact: A legislative initiative promoted by the senator for Bahoruco Province, Melania Salvador, of ruling party PRM, aimed at regulating the protection of the right to privacy, honor, reputation, and image. On Tuesday, May 17, during its second session, the Senate of the Republic approved the draft organic law (*Diario Libre*, 2022).

The bill was rejected by the Dominican Association of Journalists, the SDD, the non-partisan NGO Participación Ciudadana and the IAPA. They all concurred in regarding it as a muzzling law against freedom of expression (*Listín Diario*, 2022).

Antoliano Peralta, legal counsel for Executive, defended the initiative. In statements published by the press, he considered that the project would be greatly significant for the country, for communications, and for the protection of people's privacy (*El Día*, 2022).

Independent journalists warned about the support to the project by opposition party *Fuerza del Pueblo* (Lora, 2022).

The IAPA also questioned the proposal, and two days later, on June 23, President Luis Abinader created a commission comprising journalists and lawyers to work on an early draft to update the laws on communications. The commission, created by an executive order, was given 90 days to review current legislation and draft a new bill on speech (*Listín Diario*, 2022).

Realm B: Journalism exercised at acceptable levels of tolerance

The period under analysis has allowed to establish that, for the second consecutive year, executive and legislative officials serving since August 2020 exert slight levels of influence, similar to actions [in this regard] by the Judiciary.

The highest score on record was that of the Legislative at 0.67. The range of slight influence varies from 0.1 to 2.50.

Based on these results, the country keeps a low restriction on freedom of the press, as was perceived during the previous period surveyed.

In this context, it is worth mentioning the aggression suffered by journalists of print and broadcast media –*Listín Diario* and CDN Channel 37– on April 11, when a colonel of the National Police and six subordinates assaulted the journalists, the ombudsman, and members of his staff.

The incident took place at the National Police Vehicle Impound Facility of the General Directorate of Transit Security and Land Transportation (*Dirección General de Seguridad de Tránsito y Transporte Terrestre*, Digesett), located in the former El Coco Greyhound Track (Canódromo El Coco). In this venue, the agents confiscated a photo camera and a cell phone of the newspaper staff, and destroyed equipment of the TV channel (*Hoy*, 2022). However, hours later, the officer [in charge] was dismissed (*El Nuevo Diario*, 2022).

Realm C: No atmosphere of Violence and Impunity found in the Dominican Republic.

The exercise of journalism was perceived as non-violent, except for the above incident.

The experts rated the atmosphere and actions of Dominican authorities, from their different offices, as good, with a flawless score: 0.00.

This realm, consisting of Protection, Persecution, and Impunity, as well Violence on record, shows an even more positive rate in this assessment than the ratings in the previous period. Back then, it attained a score of 0.10.

Realm D: Untied hands to exercise journalism

In the realm that reviews the control exerted by different government bodies [over the media], the Dominican Republic once again achieved the best results.

The experts allocated a value of 0.00, where the maximum rises to 10 points.

This positive assessment is of great importance when we factor in that relevant sectors of the Dominican press, far from being accommodating, have been characterized by leaning towards the exercise of independent journalism.

Also, media social users, who are usually very feisty, openly express their criticism over the decisions and conduct of authorities at all levels.

Conclusions

In the last two years, the Dominican Republic has witnessed the consolidation of media independence as an instrument for expression of an open and dynamic society that has struggled to gain spaces to freely express itself at will.

The two years' rule of the PRM has achieved results in favor of media independence, aside the business conglomerates and the niches of media power created on digital platforms.

All branches of government, the Executive, Legislative, and Judiciary, have steered clear of acting in detriment of the principles for the exercise of free journalism. However, attempts at passing a bill viewed as censorship made evident that attitudes of a recent past persist.

The experts consulted for the report have assessed, in different realms, the weight of the decisions that –in a few cases reflected in this report– were remedied by the authorities responsible for the incidents.

The incarnations of traditional media migrated into digital platforms have evolved into spaces of moral authority and public trust, alongside independent journalists who use alternative channels to play their role of social order agents. This is another evidence for the report and its results.

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