

DOMINICAN REPUBLIC NATION WITH THE BEST CLIMATE FOR FREEDOM OF EXPRESSION IN LATIN AMERICA

Executive summary

After a sustained evolution of improvement during the last two years of government of the Partido Revolucionario Moderno (PRM), in regards to the climate of freedom of expression, the country achieves its best marks. It surpasses Chile, which remains in second place, and is contrasted with Nicaragua, which occupies last place on the scale. Added to the increasingly active role of citizens, expressing themselves through social networks, is the counterweight provided by the media of economic groups and independent journalists, with digital platforms with large audiences. The advisory commission, created by the Dominican Government to update current legislation on freedom of expression, advanced its work and reached agreements to avoid possible legal conflicts in the field of cybersecurity and defamation.

Introduction

In the period evaluated in this report, which covers from August 2, 2022 to August 1, 2023, the Dominican Republic achieves its best result since the creation of the Chapultepec Index. From a maximum value of 100.00, the country obtains 81.08.

There is a specific precedent regarding freedom of expression in the Dominican Republic. The decree of President Luis Abinader, 333-22, issued on June 23, 2022, to create and integrate an advisory commission that would promote the renewal of the current law on freedom of expression in the country, in force since 1962.

Before August of this year, the drafted bill prepared by the Consultative Commission for Freedom of Expression (CCLE), created by the aforementioned decree, has been pending its delivery to the Legal Consultancy of the Executive Branch. And its editors have stated that a consensus was achieved with all the sectors involved.

The jurists and journalists integrated into the CCLE, which includes several of the most important directors of convergent media - print and digital - advanced the processes of debates and consultations in the last four months of 2022. (Listín Diario, 2022).

On October 26, 2022, the executive director of the commission, constitutional lawyer Namphi Rodríguez, announced on his X account (then Twitter) that an agreement had been reached with the Cybersecurity Council to exclude from the Cybersecurity Law project the crimes

of defamation and insult, so that they would only be regulated in the draft Freedom of Expression Law, which they would propose to the Executive Branch. (Rodriguez, 2022).

The media announced that the bill -still in draft- proposes replacing the National Commission for Public Entertainment and Radio (Cnepr) with another body: the National Institute of Communications. (Diario Libre, 2023). To establish a legal framework that covers the content of social networks, the legislation proposes creating the National Audiovisual Institute. (The Day, 2023).

On February 14, 2023, the CCLE announced that it had completed the drafting of the bill on "Freedom of Expression and the Media" that was to be submitted to the Executive Branch. Weeks later, on March 3, he invited citizens to offer their proposals on aspects that they considered necessary to integrate into the legislation. A period of 15 days was granted. (N Digital, 2022).

About the environments: favorable climate for the practice of journalism in the Dominican Republic

The analysis of the panorama of freedom of expression in the Dominican Republic in the surveyed period, in accordance with the results offered by this Index, allows us to affirm that the country enjoys a very favorable climate for the work of journalists and the media. in a general sense.

Reaching 81.08 out of a maximum of 100, according to the assessment of the experts consulted, shows significant progress in the climate of freedom of expression in the country. A result that contrasts with the first recorded by this Index, in the period May 2019-April 2020, in which the Dominican Republic reached 47 points, which placed it in position number 14 in the index.

The allegations of corruption and impunity made by journalists and confronted by the Government, led by President Danilo Medina, generated a climate of democratic uncertainty. The balance of 2020 distanced the country from the first in the position, Chile, which achieved 80 points. The present reality is different, with Chile in second place, followed by the Dominican Republic.

On a scale that measures the influence of environments in situations unfavorable to freedom of expression, the positive assessment registered by the country is confirmed and has allowed it to lead the Index for the first time. The three environments evaluated, scored from 1 to 10, to show how influential the sectors or environments that concentrate Dominican political power are, there was a notable low influence of the Legislative (0.33), Judicial (0.17) and Executive powers. (0.29).

It is necessary to indicate that 10 is the maximum score, and the results that are close to this value indicate that in the countries that register in their environments, the practice of journalism is subject to a very strong influence of the powers of the State.

In the meantime, three cases created alerts without major implications in the area of freedom of expression. A woman threatened to kill the President of the Republic and was fined for the act. (Listín Diario, 2022).

An influential owner of digital platforms was also called by the head of the Public Entertainment and Radio Commission (El Nuevo Diario, 2023).

The inventory includes the fact that the husband of a legislator threatened journalists who referred to his alleged links with drug trafficking. He was summoned by the Judiciary and after the “conversation” with the authorities and journalists, in the prosecutor's office, he apologized. (Diario Libre, 2023).

Realm A: Expressing yourself freely does not constitute a challenge or threat to life in the Dominican Republic

In the assessment corresponding to an informed citizenry free to express themselves, - classified as realm A, the Dominican Republic obtains a 17.56, out of a maximum value of 23.00.

Regarding the flow of information and free expression, the balance is 10.44 and 7.11, respectively, where the highest scores are 11.00 and 12.00.

The most significant event in this realm was recorded in the month of July. On Thursday the 12th, Pedro Jiménez, a journalist commentator on a morning radio program, made public the threat he received from Mr. Miguel Arturo "Micky" López, involved in a judicial process, accused of being part of a network for laundering money from drug trafficking. Later, two other journalists, Alfredo Cruz and Sergio Carlo, expressed that they also received threatening calls from him. López is the husband of the representative of the La Vega province, Rosa Amalia Pilarte.

Forty journalists issued a statement in support of Jiménez. López was called by the judicial authorities along with the journalists who were intimidated by him. After a conversation with the director of prosecution of the Public Ministry, Yeni Berenice, he publicly apologized to journalists. He said he had been wrong about “the press.”

Realm B: An exercise in journalism with acceptable levels of freedom

For the third consecutive year, the period analyzed shows, in accordance with the results of the consultations with experts, that the authorities of the Executive, Judicial and Legislative branches, which took office in August 2020, maintain high levels of respect for those who practice journalism. With a rating of 8.67, where 10 is the highest score, the Dominican Republic is perceived by experts as a country with a fairly free practice of journalism.

The levels of influence recorded by environments in situations unfavorable to freedom of expression are slight in this realm. The Executive Branch recorded the highest score, with 1.78, followed by the Legislative Branch, with 1.22, and the Judicial Branch, with 0.89. The Slight Influence range is from 0.1 to 2.50.

Two events without great significance are framed in this realm. On May 23, 2023, a woman, Yrene Sosa Tavárez, who threatened to kill President Luis Abinader, through a TikTok account, was fined 50 thousand Dominican pesos.

On Monday, June 5, 2023, the owner of a successful YouTube platform and a radio station, Santiago Matías, went to the office of the director of the Public Entertainment and Radio Commission, Joseph Báez, who said he called him to talk about his influence on young Dominicans. The incident had no consequences.

Realm C: violence and impunity with very tolerable levels

In the consultations with experts, realm C values violence and impunity, with a range greater than 42.00, and the Dominican Republic receives 30.97. The ratings are not perfect in terms of protection and impunity, where 1.89 and 1.50 points are awarded, compared to theoretical maximums of 5.00 and 8.50, respectively. They offer an even more positive score, with regard to persecution, in which the country obtains a 7.28, compared to a maximum of 7.50.

The results are combined with the best scores of the three environments, the Legislative, the Judicial and the Executive, corresponding to their degree of influence in situations unfavorable to freedom of expression, relative to realm C. In this area, such influence was the lowest possible: 0.00.

With no regrettable events to the detriment of journalists - no homicides, imprisonments, media closures, among other situations common in other countries in the region - the Dominican Republic registers a positive assessment.

Realm D: A State that does not exert pressure on the work of the media

In the Dominican Republic, the control of media exercised by the branches of the State is slight. According to the results of the period analyzed, in realm D, related to media control, this nation reached 23.89 points out of a maximum of 25. Regarding direct control, the score added up to 17.89 out of a maximum of 19, and regarding indirect control, the result amounted to 6.00, the maximum value that could be granted.

Regarding the influence of the three environments in unfavorable situations for freedom of expression for this realm, the score was 0.00, which shows that there has been no pressure from the branches of the State towards the media. This reaffirms the current vocation for freedom with which one works as a journalist or media owner in the Dominican Republic.

This evaluation has an added value because on March 4, President Abinader informed the Dominican Congress of the progress in the preparation of the freedom of expression bill, still in the drawing board, to which he committed in the speech to the nation, on February 27, 2023. It was a commitment that he assumed in 2022 and which he has followed up on, as indicated by his two public references to the subject.

Conclusions

The aspirations for a full democracy, which allows journalism to be practiced, is not a chimera in the current Dominican Republic, considering the results of the report that are offered with the opinion of experts in the area in the country.

The very low levels of influence that are credited to the three branches of the Dominican State allow us to affirm that the ruling Partido Revolucionario Moderno (PRM) and the Judiciary - which lavishes independence with an Attorney General's Office of the Republic notable for the ongoing prosecution of former officials of great power - have achieved the best qualifications.

The assessment is shared with the Legislative Branch, in the opinion of the experts who offered their qualifications and considered that, if there are influences from the highest government levels in the country, they can be considered slight.

The Dominican Republic registers, like many democratic countries, a constant increase in independent media, promoted by digital platforms and the growing consumption of news and entertainment, through them.

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