

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



GENERAL

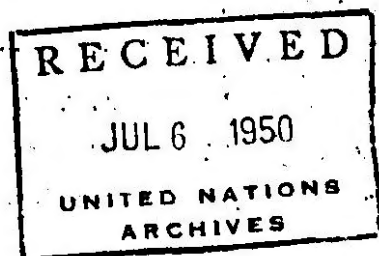
E/CN.4/Sub.1/107/  
Add.4  
29 June 1950 29  
ENGLISH  
ORIGINAL: SPANISH

COMMISSION ON HUMAN RIGHTS  
SUB-COMMISSION ON FREEDOM OF INFORMATION  
AND OF THE PRESS  
Fourth session.

ADDITIONAL INFORMATION PROVIDED BY GOVERNMENTS ON THE QUESTIONS  
ASKED IN THE REQUEST FOR INFORMATION BASED ON THE AGENDA OF  
THE UNITED NATIONS CONFERENCE ON FREEDOM OF INFORMATION

DOMINICAN REPUBLIC

Excerpts from the legislation enacted after 1 January 1948



/Act No. 1951  
E/CN.4/Sub.1/107/Add.4

Act No. 1951 for the regulation of public entertainments and radio broadcasts

THE NATIONAL CONGRESS  
in the name of the Republic  
HAS ENACTED THE FOLLOWING ACT:

NUMBER 1951

Article 1. Cinematographic exhibitions, theatrical performances or similar public entertainments and radio broadcasts which are offered or which originate in the country, shall be subject to the restrictions and prohibitions to be prescribed in regulations enacted by the Executive Power.

Article 2. The regulations referred to in the foregoing article may ban entertainments, cinematographic exhibitions and radio broadcasts, or portions thereof, which are offensive to public decency or morality, or prejudicial to relations with friendly countries or generally which are likely to have a detrimental effect on the principles and standards of the Dominican people.

Drafts for such regulations shall be submitted to the Executive Power, through the Secretariat of State for the Interior and Police, by a special body to be known as the National Public Entertainments and Broadcasting Commission (Comisión Nacional de Espectáculos Públicos y Radiofonía).

The Commission shall have its seat in Ciudad Trujillo and shall consist of a chairman, a vice-chairman, three members and a permanent secretary in charge of the archives, all these being paid offices, the office-holders being appointed by the Executive Power.

The Commission shall also have an adviser; this office shall be filled ex officio by the senior legal officer of the National Police who shall be called upon to furnish advice or in the event of equality of votes.

.....

Article 4. The exhibition in the country of cinematographic films in which appear performers recognized as Communists or which tend to serve as propaganda for the Communist ideology is prohibited by the present Act.

Article 5. Cinematographic exhibitions for children of either sex under 14 years of age may not include films containing scenes, situations, titles or dialogue of an erotic character, or containing scenes, situations, titles or dialogue capable of perverting their morals, or, generally, films the details or

/subject

subject of which set before the children a pernicious example or experience unsuited to their age.

.....

Article 8. The Commission shall render a quarterly report on its work to the Secretary of State for the Interior and Police.....

Article 9. Pending the enactment of regulations under Articles 1 and 2 of this Act, public entertainments shall continue to be governed, in matters relating to public decency and morality, by the ordinances issued in their respective jurisdictions by the Administrative Council of the District of Santo Domingo, municipal governments and municipal councils, the sub-commissions mentioned in Article 11 being competent to institute the relevant proceedings.

Article 10. If any person contravenes the regulations enacted under Articles 1 and 2 of this Act he shall be liable on conviction to a fine of not less than 25 or more than 100 pesos or to a term of imprisonment of not less than fifteen days or more than three months, or to both these penalties simultaneously.

If any person contravenes Articles 3, 4 and 5 of this Act he shall be liable on conviction to a fine of not less than 50 or more than 500 pesos, or to a term of imprisonment of not less than three or more than six months, or to both these penalties simultaneously in the case of serious offences.

Judges of the lower court shall be competent to try these offences.

Sole paragraph. In the event of a second offence, the penalty shall be doubled; the closing of the establishments concerned for a period of not more than thirty days may be ordered.

Article 11. In the District of Santo Domingo, proceedings for the imposition of penalties shall be instituted by the National Public Entertainments and Broadcasting Commission; in communes which are the capital of a province, they shall be instituted by a sub-commission consisting of the governor, who shall be chairman, the mayor of the municipality and the chief of the national police post; in communes which are not the capital of a province, they shall be instituted by a sub-commission consisting of the mayor of the municipality, who shall be chairman, an inspector of public education and the chief of the national police post; the foregoing shall be without prejudice to proceedings by the judicial police.

Article 12. The Secretary of State for the Interior and Police shall be responsible for securing compliance with this Act.

/Article 13.

Article 13. The present Act repeals and supersedes Act No. 1470 of 2 July 1947, as amended by Act No. 1664 of 13 March 1948, as well as Act No. 1405 of 30 April 1947, which were respectively published in Official Gazettes Nos. 6655, 6766 and 6621, and repeals any other provision incompatible with this Act or made pursuant to the Acts cited.

Given in the Council Chamber of the Chamber of Deputies, in Ciudad Trujillo, District of Santo Domingo, Capital of the Dominican Republic, on 2 March 1949, 106th year of Independence, 86th year of the Restoration and 19th year of the Era of Trujillo.

.....

/RAFAEL LEONIDAS TRUJILLO MOLINA

RAFAEL LEONIDAS TRUJILLO MOLINA  
President of the Dominican Republic

NUMBER 5906

In the exercise of the powers conferred upon me by Article 1 of Act No. 1951 of 7 March 1949 on public entertainments and radio broadcasts, I hereby enact the following:

REGULATIONS GOVERNING PUBLIC ENTERTAINMENTS AND RADIO BROADCASTS

.....

Article 4. No public entertainment may take place without a licence issued by the chairman of the National Public Entertainments and Broadcasting Commission or the chairman of the Provincial Sub-Commission concerned or otherwise than, in conformity with the provisions of the Police Act or any other special statutory regulation that may be applicable.....

.....

Article 7. A licence permitting it to be exhibited shall not be granted to any film performed in a language other than Spanish, unless there are Spanish sub-titles.

Sole paragraph. The foregoing provision shall not apply to films which consist wholly or mostly of the presentation of operas, operettas or music. In the case of such films it shall suffice to publish a summary of the subject for the proper information of the public.

.....

Article 11. Performers may not make remarks regarding, or expressly addressing, any member of the audience during the performance of any entertainment in a manner likely to bring the member of the audience into ridicule or to be prejudicial to his good repute. Similarly, members of the audience may not attract the attention of performers by means of gestures, words or any other means of expression. Offences against this provision shall be punishable.

.....

PRIOR EXAMINATION OF THEATRICAL WORKS AND CINEMATOGRAPHIC FILMS

Article 26. The National Public Entertainments and Broadcasting Commission shall previously examine the complete scripts of theatrical works, irrespective of their nature or type, and also any type of libretto, announcement or advertisement relating to public entertainments. They shall likewise examine all cinematographic films imported into the country for speculation purposes, though this shall not

/apply to films

apply to films imported by the Dominican Government or its agencies for educational or other purposes.

The previous examination required under this article shall be made by the National Commission as a whole or by a delegation of two or more of its members, who shall render a report which shall be approved at a special meeting of the Commission.

The final decision shall in any case be rendered not later than five days after the examination required by this article.

Article 27. Any theatrical, cinematographic or other work which has been approved by the National Public Entertainments and Broadcasting Commission may be presented and exhibited in the national territory without the intervention of, or examination by, any other body.

Article 28. Every person or legal entity importing cinematographic films shall place the films at the disposal of the National Public Entertainments and Broadcasting Commission for examination not less than ten days before they are exhibited to the public.

Article 29. All companies, managers of sketches, reviews and theatrical spectacles in general and theatrical enterprises are required to furnish to the Commission, not less than twenty-four hours in advance, the librettos, texts of announcements and other material liable to examination, before the public performance thereof.

Article 30. The exhibition or presentation of cinematographic films or theatrical works which are, owing to their character, type, language, situations, episodes or scenes, offensive to public decency and morality, or which are of a tendentious or inflammatory character or disseminate subversive ideas or doctrines or are in any way opposed to the constitutional regime shall not be permitted.....

Article 31. The National Public Entertainments and Broadcasting Commission shall on no grounds grant permission to films and theatrical works which offend, ridicule or criticize, or which are derogatory to, or hold up to international scorn or defame friendly nations or national or foreign heads of state, or which tend to distort facts or misplace emphasis or which tend in an excessive or misleading manner to misrepresent the habits and customs of other countries maintaining good relations with the Dominican Republic.

Article 32. To announce films or any other type of entertainment by means of scandalous or immoral titles or by suggestions wilfully misleading the public shall constitute a punishable offence.

/Similarly,

Similarly, if any person includes in any poster photographs of scenes from public entertainments which are not authorized by the Commission he shall be deemed to have contravened the present regulations.

.....

Article 34. The managements of theatres and cinemas and film distributing agencies may not announce any film, except by the title or name under which it has been registered by its producer.

Sole paragraph. If a film is re-exhibited, it shall be announced under the original title.

Article 35. If the National Public Entertainments and Broadcasting Commission decides to authorize the exhibition of any film subject to the omission of one or more scenes, which are regarded as repugnant to the statutory rules, the film shall be exhibited in strict compliance with such limitations.

Article 36. The exhibition of any film which is in such bad condition as to cause inconvenience to, or complaint by, the public is prohibited. If the public should complain about the condition of a film exhibited and such irregularity is verified by a member or representative of the National Commission or by any other competent authority, the offending undertaking shall be liable to penalty.

#### BROADCASTING

Article 37. For the purposes of the supervision of broadcasts of all kinds made in the Dominican Republic, the nomenclature of the Act in force concerning means of communication and the nomenclature of the international conventions on radio communications and protocols thereto to which the Dominican Republic is a signatory are retained.

Article 38. A "broadcast" means any programme, speech, announcement, theatrical episode of any nature or type, interlude, international or national commentary of any kind, broadcast news, news bulletins or any matter transmitted through the microphones or means of radiophonic publicity of a broadcasting station, public amplifier system or public announcement system, whether by means of transmitters or not.

Article 39. Broadcasts shall be subject to the rules laid down in the Acts concerning means of communication, international conventions, in Acts of the National Congress on specific matters and also, in pursuance of Act No. 1951 establishing the National Public Entertainments and Broadcasting Commission, to the present regulations.

Article 40. Any commercial, cultural or political broadcasting station broadcasting programmes of the types enumerated in the present regulations shall be required to submit to the National Commission, at least one week in advance, an application in quadruplicate, for the transmission of the programmes; the application shall contain particulars of the programme, time of programme, length of programme, compères, announcers, performers or persons taking part, their nationality, domicile and residence and any information required properly to identify the programme.

Sole paragraph. If any change occurs during the week, such change shall be notified at least twenty-four hours in advance with a view to obtaining a new authorization by the National Commission.

Article 41. The management of broadcasting stations covered by the present regulations shall monitor the performance of authorized programmes and shall be answerable to the National Commission for any change made in the programmes without proper authorization of the Commission.

Article 42. The National Commission shall furnish forms, showing the data and details required and the regulations which must be complied with in connexion with applications for the approval of programmes for broadcasting.

Article 43. International news bulletins received from internationally recognized news agencies shall not require previous authorization by the National Commission.

Paragraph (a). The same shall apply to domestic news quoted from Dominican newspapers; in such case the source must be stated.

Paragraph (b). Monitoring or previous authorization shall not be required if the news bulletins, news generally, or programmes originated in a government department of the Dominican State and were submitted by it to the management of the broadcasting station or if the programmes were organized by government departments generally, or sent or transmitted by Dominican or foreign press agencies duly recognized and authorized as such.

Paragraph (c). In the latter case the persons, agencies or organs responsible for the organization and transmission of the programme and not the manager of the broadcasting station, shall be answerable.

Paragraph (d). The directors of broadcast news bulletins or commentaries must be Dominicans, of full age, resident in the country and in full enjoyment of their civic and political rights.



Article 44. The managements of broadcasting stations shall not be directly responsible for transmissions made in programmes for which remuneration is received by them, but shall be required to notify the National Commission of the name and nature of the programmes and any comments thereon; he must obtain evidence that such programmes have been authorized.

Article 45. The transmission of gramophone records, works, songs or other recorded material containing expressions offensive to public decency and morality is prohibited.

On verifying a breach of the regulations, the National Commission shall institute the necessary proceedings.

Sole paragraph. The National Commission shall issue a ruling listing records which may not henceforth be transmitted in programmes, this ruling to be complied with by all national broadcasting stations. The same action shall be taken in connexion with other prohibited programmes.

Article 46. In cases where the matter of programmes transcribed on gramophone records is of foreign origin, the programmes shall require approval by the Commission, to which the broadcasting station must submit a special application containing particulars of the programme, duration, length of records and other particulars, together with a summary of the contents.

Any distortion of the facts or false or inaccurate information shall be regarded as a breach of the present regulations, liable to prosecution through the proper channels.

Article 47. The owners of broadcasting stations shall file, in chronological order, the original scripts of all broadcast plays, dramas, comedies, interludes, reviews, musical programmes and news bulletins transmitted from their studios over a period of three years, with a view to providing any certified copy of the same which may be requested by the National Commission.

Article 48. For the purposes of these regulations, the Directorate General of Communications shall furnish to the National Public Entertainments and Broadcasting Commission a complete list of broadcasting stations in the country, their directors, announcers, technical personnel, performers and other details required for the purposes of supervision.

Article 49. Notwithstanding approval of each programme by the National Commission, the authorization for transmission shall nevertheless be subject to withdrawal.