



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Sixth periodic reports of States parties due in 2016**

**Dominican Republic\***

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## **I. Introduction**

1. The Dominican Republic, a representative democracy that operates under the rule of law, with a territory measuring 48,670.82 square kilometres and a population of 10,478,756, wishes to submit its sixth periodic report under article 40 (1) of the International Covenant on Civil and Political Rights to the Human Rights Committee for its consideration.
2. The present report covers all the measures adopted by the Dominican Republic to implement the rights set forth in the Covenant and the progress achieved in the implementation of these rights. The information was provided by the various policymaking institutions that make up the Inter-Agency Human Rights Commission, established under Decree No. 408-04 of 5 May 2004 in compliance with the 1993 Vienna Declaration and Programme of Action.
3. The report was produced on the basis of the recommendations and observations issued by the Human Rights Committee relating to the fifth periodic report of the Dominican Republic (CCPR/C/DOM/CO/5).
4. Under the democratic system of government that has been enjoyed by the Dominican Republic for more than 40 years, the State has ratified the principal international human rights conventions and has embarked upon an intensive legislative and normative reform effort in this area. This democratic initiative reflects the major changes that are being made in order to place human rights issues on the national agenda.

## **II. Article 6. The right to life**

### **A. Domestic legislation**

5. Article 37 of the Constitution, the primary legal instrument of the Dominican Republic, provides for the inviolability of life and is therefore in strict accordance with article 6 of the Covenant. Similarly, article 10 of Act No. 76-02 (Code of Criminal Procedure of the Dominican Republic) reinforces this provision of the Constitution. The Dominican Republic abolished the death penalty in 1924.
6. The first section of the Code for the System for the Protection and Fundamental Rights of Children and Adolescents, otherwise known as Act No. 136-03 of 7 August 2003, provides for the right to life and other fundamental guarantees for children and adolescents. Article 3 of the Act also provides that all children and adolescents have the right to life and that the State must protect this right through public policies aimed at ensuring their survival, health and comprehensive development.
7. In addition to the national legislation, which is fully consistent with international norms, the country's interest in protecting human rights and, in particular, the right to life, has led the Dominican Republic to ratify the following conventions, the most salient aspects of which are noted:
  - (a) The Universal Declaration of Human Rights (10 December 1948; the Dominican Republic was a signatory). Article 3: "Everyone has the right to life, liberty and security of person.";
  - (b) The American Declaration of the Rights and Duties of Man (Bogotá, Colombia, 1948). Article 1: "Every human being has the right to life, liberty and the security of his person.";

(c) The American Convention on Human Rights (San José, Costa Rica, November 1969). Article 4: “Right to life”;

(d) The Convention on the Rights of the Child (20 November 1989). Article 6 (1): “States Parties recognize that every child has the inherent right to life.”;

(e) The Optional Protocol to the International Covenant on Civil and Political Rights (opened for signature on 16 December 1966, came into force on 23 March 1976 and was ratified by the Dominican Republic on 4 January 1978). Article 1: “A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.”

## **B. Institutional measures**

8. On the basis of the report of the Human Rights Committee, the Dominican Republic has continued to implement the aforementioned domestic legislation, and to conduct information campaigns to strengthen the guarantees of the inviolability of life as provided for in article 6 of the International Covenant on Civil and Political Rights.

9. The measures taken by the Dominican Republic include:

- Since 2011, the Ministry of Education has been running the annual “Commitment to respect and the right to life” campaign, which is aimed at raising awareness about the issue of violence through the Ministry’s core activities to promote peace and coexistence in education centres and other interpersonal settings.
- Recent years, however, have seen a dispute develop between, on the one hand, a majority of the population, represented by the Catholic Church and protestant churches, which defends the right to life; and, on the other, the feminist organizations that lobby for Congress to decriminalize abortion in cases where the pregnancy is the result of rape or incest, where the life of the woman is in danger or where the fetus is deformed. In relation to abortion and exceptions to its general prohibition, article 37 of the Constitution sets forth the principle that the right to life is inviolable from conception to death and that the death penalty may not be established, decreed or applied in any case.
- Act No. 550-14 of 19 December 2014 establishing the Criminal Code of the Dominican Republic contains a section on abortion and its criminalization. The Constitutional Court, however, through its ruling No. TC/0599/15 of 17 December 2015, declared the above-mentioned Act to be unconstitutional, thereby leaving the previous Criminal Code to stand. Article 317 of the latter provides that: “Whosoever, by means of food, drink, medicine, equipment, treatments or any other means, causes or directly contributes to causing the termination of a pregnancy, even with the pregnant woman’s consent, shall be sentenced to medium-term imprisonment. The same term of imprisonment shall be imposed upon any woman who causes the termination of a pregnancy, consents to take any substances prescribed or administered to her for that purpose or to undergo abortive procedures, provided that the termination was effected. A term of imprisonment of 6 months to 2 years shall be imposed on any person who introduces, or establishes contact between, a pregnant women and another person for the purpose of procuring an abortion, provided that it was effected and irrespective of whether or not they directly participated in the conduct thereof. Doctors, surgeons, midwives, nurses, pharmacists and other medical professionals who, putting their profession to

wrongful use, cause or participate in the conduct of an abortion, shall incur a long-term prison sentence of between 5 and 20 years, providing that the termination was effected.”

### **III. Article 7. Combating torture and other cruel, inhuman or degrading treatment or punishment**

#### **A. Domestic legislation**

10. The Dominican Republic is implementing the following domestic legislation in line with article 7 of the Covenant and other international standards:

- Inhuman treatment and torture are prohibited in the Dominican Republic under article 42 (1) of the Constitution of 2015.
- The following Acts described in the country’s fifth periodic report (CCPR/C/DOM/5) remain in force: Act No. 24-97,<sup>1</sup> Act No. 76-02<sup>2</sup> and Act No. 136-03.<sup>3</sup>
- At the international level, the Dominican Republic, as a party to the American Convention on Human Rights, is obliged to protect the right to personal integrity. The American Convention on Human Rights safeguards this right in article 5, as follows: “Every person has the right to have his physical, mental, and moral integrity respected. [...] No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.” The Dominican Republic signed and ratified the Inter-American Convention to Prevent and Punish Torture of the Organization of American States on 12 December 1986.

#### **B. Institutional measures**

11. Since 2004, following the entry into force of the Code of Criminal Procedure (Act No. 76-02), the Dominican Republic has initiated a number of substantial changes regarding the police force, security agents and the Public Prosecution Service, and has expedited criminal proceedings, as part of ongoing concerted efforts to strengthen the justice system and provide effective responses that uphold human dignity. Safeguards and procedures have been established which, in combination with the swiftness of proceedings and shortened periods of pretrial detention, help to reduce the risk of excessive use of force or abuse by the police, in accordance with the recommendations made by the Human Rights Committee.

- The Dominican Republic has ramped up efforts to prevent excessive use of force by law enforcement agents through the dissemination of the regulations on the use of force, by providing various training courses and workshops on the Community Policing Handbook and the Code of Ethics of the national police. These instruments were created during the period 11 December 2013 to April 2014 pursuant to Decree No. 358-13 and related Supreme Council Resolution No. 011-2014.

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<sup>1</sup> The Act, which amends the Dominican Criminal Code, establishes violence against women, domestic violence and family violence as offences.

<sup>2</sup> Dominican Code of Criminal Procedure.

<sup>3</sup> Code for the System of Protection and Fundamental Rights of Children and Adolescents.

- Article 1 of the Code of Ethics of the national police lays down the overriding ethical principles governing the good conduct of police officers, with the aim of ensuring that they perform their duties in line with the institutional values and personal integrity that are essential to their roles as law enforcement officials.

Table 1

**Record of the number of Dominican national police officers that have attended the courses on police intervention techniques, strengthening police operations and standardizing criminal investigations, as delivered by the mobile training teams of the Department for Police Training and Education, from 8 February 2016 to present**

<i>Course</i>	<i>Region</i>	<i>City</i>	<i>No. trained</i>	<i>No. of sessions</i>	<i>Men</i>	<i>Women</i>
Standardizing criminal investigations	North-east	San Francisco de Macorís	193	7	175	18
Strengthening police operations	Cibao Central	La Vega	190	8	183	7
Strengthening police operations	Cibao Central	Jarabacoa	60	3	60	
Strengthening police operations	Bonao Sur	Bonao	148	11	140	8
Police intervention techniques	East	La Romana	172	10	160	12
Strengthening police operations	West	San Juan de la Maguana	178	8	173	5
<b>Total</b>			<b>941</b>	<b>47</b>	<b>891</b>	<b>50</b>

Table 2

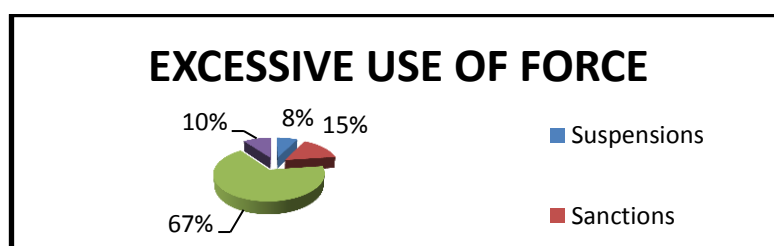
**Excessive use of force**

<i>Month</i>	<i>Suspensions</i>	<i>Sanctions</i>	<i>Referred to the courts</i>	<i>No further action</i>	<i>Total</i>
January	1	0	5	0	6
February	1	4	9	1	15
March	0	0	3	2	5
April	0	1	6	1	8
May	1	2	16	2	21
June	0	4	15	2	21
July	3	7	17	3	30
August	3	3	18	1	25
September	1	0	19	4	24
October	4	8	18	3	33
<b>Total</b>	<b>14</b>	<b>29</b>	<b>126</b>	<b>19</b>	<b>188</b>

Source: Department of Internal Affairs, National Police.

Figure 2

**Total percentages**



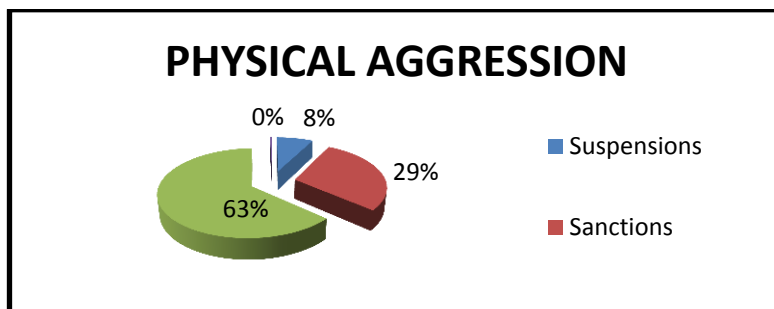
Source: Table 2.

Table 3  
Physical aggression

Month	Suspensions	Sanctions	Referred to the courts	No further action	Total
January	2	0	3	0	5
February	4	3	4	0	11
March	0	7	6	0	13
April	0	1	12	0	13
May	1	6	16	0	23
June	0	4	17	0	21
July	1	12	18	0	31
August	2	3	23	0	28
September	2	6	21	1	30
October	4	19	13	0	36
<b>Total</b>	<b>16</b>	<b>61</b>	<b>133</b>	<b>1</b>	<b>211</b>

Source: Department of Internal Affairs, National Police.

Figure 3



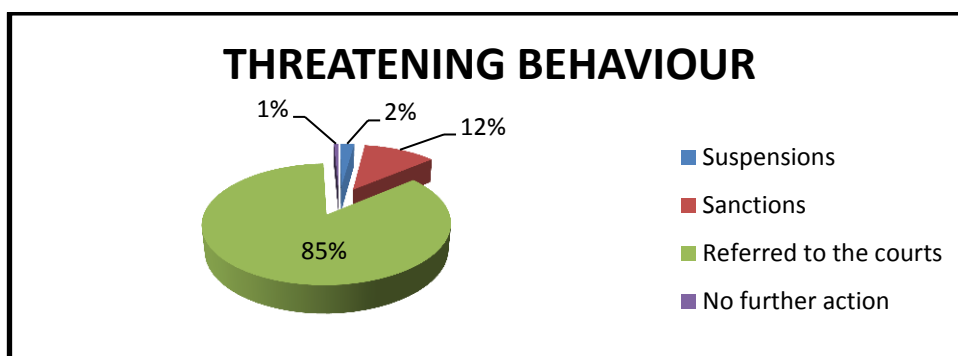
Source: Table 3.

Table 4  
Threatening behaviour

Month	Suspensions	Sanctions	Referred to the courts	No further action	Total
January	0	3	2	0	5
February	1	0	10	0	11
March	0	4	4	1	9
April	0	2	3	0	5
May	0	3	23	0	26
June	0	0	11	0	11
July	1	0	12	0	13
August	0	1	12	0	13
September	0	1	18	0	19
October	1	2	22	0	25
<b>Total</b>	<b>3</b>	<b>16</b>	<b>117</b>	<b>1</b>	<b>137</b>

Source: Department of Internal Affairs, National Police.

Figure 4



Source: Table 4.

## IV. Article 8. Prohibition of slavery, servitude and forced labour

### A. Domestic legislation

12. Article 41 of the Constitution of 2015 provides for the “prohibition of slavery. All forms of slavery, servitude and trafficking in persons are prohibited.”

13. Regarding labour legislation, Act No. 16-92 of 29 May 1992<sup>4</sup> establishes a working week of not more than 48 hours and stipulates that workers must receive additional pay for each hour in excess of that maximum. It also creates labour tribunals to enforce the regulations on the payment of the inalienable labour benefits for which every worker in the private sector is eligible. Act No. 3143, which concerns work performed but not remunerated and work remunerated but not performed, also remains in force in the Dominican Republic.

14. At the international level, and as a State member of the International Labour Organization (ILO), the Dominican Republic approved and ratified the ILO Minimum Age Convention, 1973 (No. 138), which, in conjunction with the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified in 2000, as well as a number of national laws, such as Act No. 136-03 establishing a system for the protection of the fundamental rights of children and adolescents, Act No. 137-03 on trafficking in persons, and the Labour Code, form the legal basis for action against child labour in the Dominican Republic.

### B. Institutional measures

15. The Dominican Republic guarantees the labour rights of all workers, irrespective of nationality or migratory status, in line with principle IV of the Labour Code (Act No. 16-92), enacted on 29 May 1992, in which it is established that labour laws apply throughout the territory of the Dominican Republic and govern Dominicans and foreigners alike, save for such distinctions as are admitted under international agreement. In order to comply with this legal mandate, the Ministry of Labour has at its command the Directorate-General of Labour, which also includes the Inspection Directorate, the entity responsible for enforcing compliance with current labour laws and associated regulations.

<sup>4</sup> Labour Code.

16. The Dominican Republic places special emphasis on measures relating to the labour rights of Haitian nationals working in the country. In accordance with the Dominican Constitution and the Labour Code, the Dominican Republic does not oblige any worker, whether of Haitian or any other nationality, to perform work.

17. In its ruling of 9 April 2014, the Third Chamber of the Supreme Court of Justice, considering that labour and human life are directly linked to the Constitution, in particular to the right and the duty to work, which are essential to human dignity, established that, with regard to dismissal and resignation, gross and inexcusable misconduct is classified as a lack of honesty and integrity, or offences against the dignity of the family, whether committed by the employee or, as in this case, by the employer, in accordance with the principle that the enjoyment of labour rights and obligations must be exercised with due regard for honour, privacy and dignity.

18. The Dominican Republic also signed the ILO Forced Labour Convention, 1930 (No. 29), which it ratified on 5 December 1956, thereby committing itself to abolish the use of all forms of forced or compulsory labour, that is, “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”. Principle II of the Labour Code of the Dominican Republic (Act No. 16-92) provides that: “Everyone is free to pursue any occupation or trade, industry or business permitted by law. No one may prevent others from working or oblige them to work against their will.”

19. In that connection, and in accordance with Act No. 137-03 establishing penalties for offences related to migrant smuggling and trafficking in persons, the Office of the Special Prosecutor for Migrant Smuggling and Trafficking in Persons was established on 4 February 2013 by resolution 1 (3) of the third session of the Supreme Council of the Public Prosecution Service. The Office is also responsible for implementing a national policy to combat organized crime throughout the country.

20. The Office of the Special Prosecutor for Migrant Smuggling and Trafficking has a team of investigators who conduct surveillance and other operations. To help detect cases of trafficking, citizens can report incidents in confidence using a toll-free telephone hotline (1-809-200-7393), which is available 24 hours a day. Investigators then attend the location in question to evaluate the situation. The Office also has an institutional mailbox through which complaints can be received. Special attention is paid to locations known to be vulnerable areas.

21. Regarding public awareness, the Office has disseminated information through brochures containing basic information about the unlawfulness of trafficking in persons and information on where and how to report it, as well as through television and radio programmes, newspaper articles and a Twitter account.

22. As for initiatives to combat trafficking, the Office holds workshops led by prosecutors who specialize in trafficking, with the support of other anti-trafficking organizations such as the Inter-Agency Commission to Combat Trafficking in Persons and Smuggling of Migrants, which reports to the Ministry of Foreign Affairs; and the Inter-Agency Committee for the Protection of Migrant Women, which, under the auspices of the Ministry for Women, provides support to migrant women. As a coordinating body, the Inter-Agency Commission to Combat Trafficking in Persons and Smuggling of Migrants is involved in executing the National Plan of Action to Combat Trafficking in Persons. These organizations oversee the return of victims from abroad and have arranged for three follow-up meetings and two others on continuing the National Plan of Action.

23. In addition, the Office of the Special Prosecutor assists the work of a number of NGOs working in the same area, though often, because of the role of the Office in combating trafficking, it is the NGOs that provide assistance to the Office rather than the



other way around. Even so, the Office does, within available resources, provide the support needed for NGOs to contribute successfully to the fight against human trafficking and smuggling.

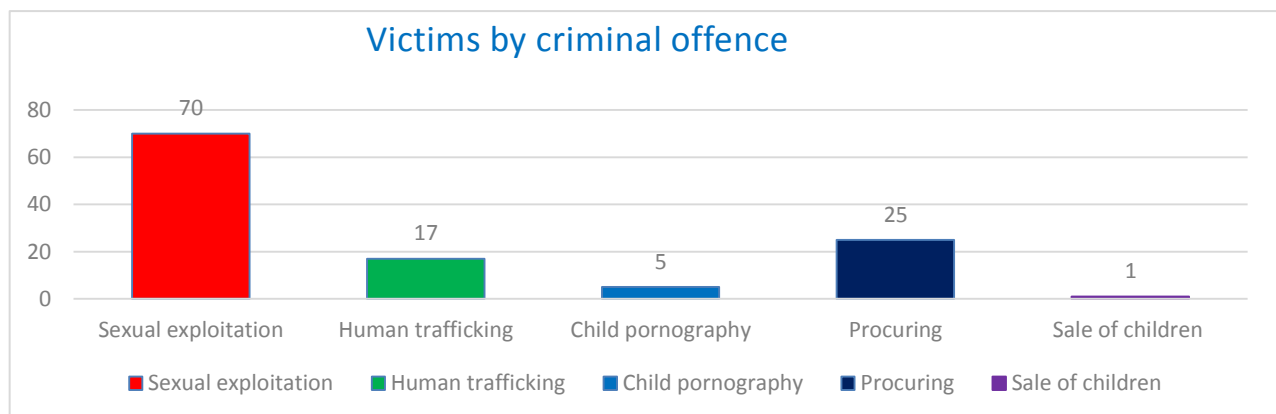
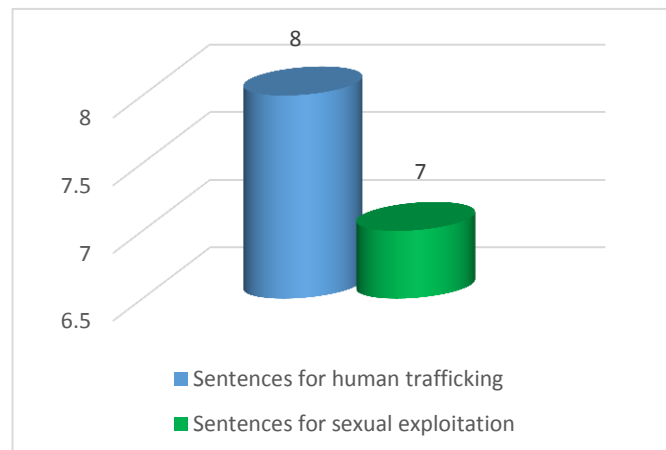
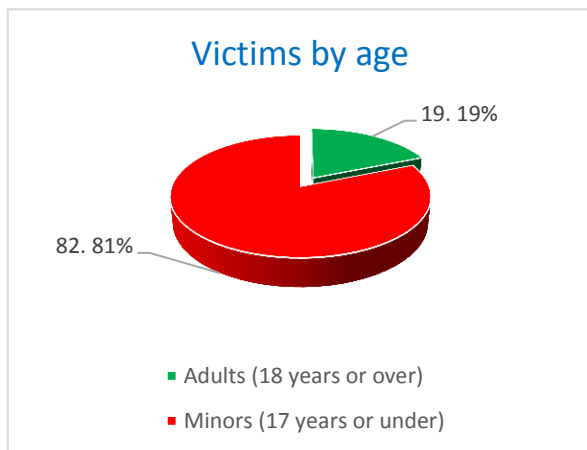
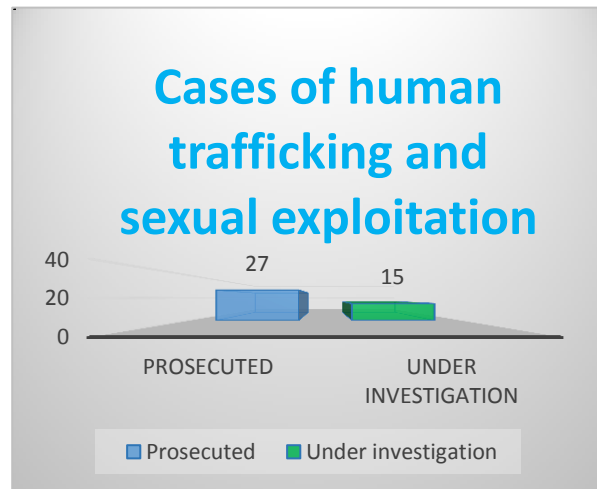
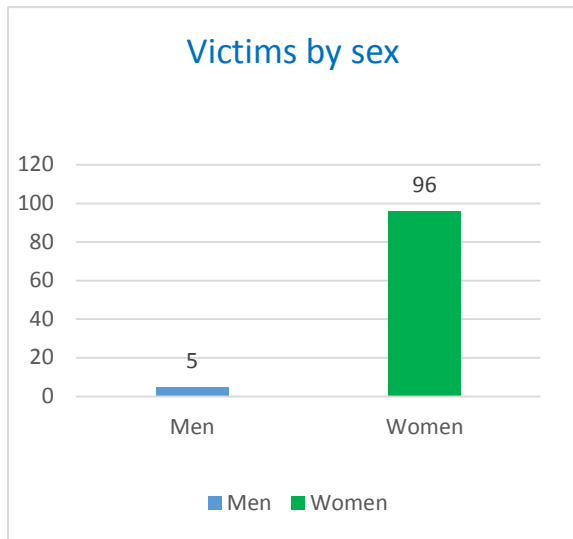
24. A shelter has been set up for victims of human trafficking and sexual exploitation. It uses an assistance model that focuses on crisis intervention and on the provision of leadership and technical training to the women who are taken in. With the support of the United Nations Children's Fund (UNICEF), judicial investigation round tables on commercial sexual exploitation and trafficking in children and adolescents have been held to improve the handling of cases. There were 6 meetings in June, 6 in July, 5 in August, 3 in September, 4 in October and 6 in November, and 62 round tables in total. The meetings were attended by representatives of: the Public Prosecution Service; the national police; the armed forces; the Alcoholic Beverage Control Programme; the Special Tourist Security Force; the Special Border Security Force; NGOs specializing in issues related to children and adolescents, including World Vision International, Organización de Mujeres Higüeyanas (Higüey Women's Organization), The Dream Project, Caminante and Movimiento Para el Autodesarrollo Internacional de la Solidaridad (Movement for the International Self-development of Solidarity); child and adolescent protection boards; the National Council for Children and Adolescents; provincial and municipal offices for women's issues; the Ministry of Education; the Ministry of Labour; the Ministry of Health; the Ministry of Tourism; the judiciary; associations of hoteliers, traders, taxi and motorcycle taxi drivers; and community leaders. The round tables led to the identification of 66 cases involving the commercial sexual exploitation of children, who have since received psychological, legal and social assistance from the victim support unit of the Office of the Special Prosecutor. Legal proceedings are ongoing against suspected offenders in 13 of the cases.

25. On 22 January 2015, policies for the criminal prosecution of human trafficking and smuggling were adopted with a view to their implementation by all members of the Public Prosecution Service.

26. Child victims are referred to temporary shelters operated by the National Council for Children and Adolescents and other institutions. Their identity and their physical and psychological integrity are protected and, with the help of NGOs, they may be reunited with their families. They also benefit from social reintegration programmes.

27. In 2015, a total of 101 women who had been trafficked for the purpose of sexual exploitation were rescued. The risk factors for such persons are the same as for almost all trafficking victims, namely gender (as the majority are women), underage status, and economic situation. Sexual exploitation tends to thrive near tourist areas and victims tend to be individuals living in poverty or extreme poverty. There has been an increase in the number of women who, although brought into the country from Colombia and the Bolivarian Republic of Venezuela to work as dancers, are subsequently subjected to sexual exploitation.

**Statistics on prosecutions in 2015, Office of the Special Prosecutor for Migrant Smuggling and Trafficking in Persons**



## V. Article 9. The right to liberty and security of person

### A. Domestic legislation

28. Article 40 of the Constitution of 2015 establishes the right of everyone to liberty and security of person. Accordingly:

1. Except in cases of flagrante delicto, no one shall be imprisoned or have his or her liberty restricted unless a substantiated written order is issued by a competent judge;
2. Any authority that imposes measures of deprivation of liberty is required to identify itself;
3. All persons shall be informed of their rights at the time of their arrest;
4. All detainees have the right to contact immediately their relatives, lawyer or a person of trust, who are entitled to be informed of the location of detainees and of the reasons for their detention;
5. Any person deprived of his or her liberty shall be brought before the competent judicial authority within 48 hours of being detained or shall be released. The competent judicial authority shall notify the person concerned of the decision taken in the case within the same time limit;
6. Any person deprived of his or her liberty without cause, without due process of law, or in circumstances other than those provided for by law, shall be released immediately at his or her own request or at the request of any other person;
7. All persons shall be released after completing the sentence imposed or after the issuance of an order for release by the competent authority;
8. No one shall be subjected to measures of restraint unless by their own doing;
9. Measures of restraint, which restrict personal liberty, are exceptional and should be applied in a way that is proportionate to the danger from which protection is sought;
10. Enforcement by committal shall not be permitted unless the debt in question originates from a criminal offence;
11. Any person with a detainee in his or her custody shall present him or her whenever requested to do so by the competent authority;
12. It is strictly prohibited to transfer any detainee from a prison establishment to another place without a substantiated written order by the competent judicial authority;
13. No one may be sentenced or punished for an act or omission that did not constitute a criminal or administrative offence at the time it was committed;
14. No one shall be criminally responsible for the act of another person;
15. No one shall be compelled to do anything the law does not require or prevented from doing anything the law does not prohibit. The law is the same for all: it may require only that which is fair and useful for the community and may prohibit only that which is injurious to it;

16. Custodial sentences and security measures shall be geared towards the re-education and reinsertion into society of the convicted person and may not entail forced labour;

17. In the exercise of the sanctioning power established by law, the Public Administration may not impose penalties that directly or indirectly lead to deprivation of liberty.

29. As regards the rights outlined in article 9 of the Covenant, in procedures conducted under the Code of Criminal Procedure (Act No. 76-02), the following articles, which have amended domestic legislation on pretrial detention since 2002 in accordance with the recommendation of the Human Rights Committee, may be invoked: 3, 8, 15, 16, 19, 20, 224, 225, 234, 239, 241, 242, 255, 256, 257, 258, 276, 277 and 284.

30. The principles of due process, which are derived from the Constitution and the Code of Criminal Procedure, have been adapted to conform to the international instruments adopted by the Dominican Republic, including: the American Convention on Human Rights (Pact of San José) of 22 November 1969, adopted in 1977 by Congressional Resolution No. 739; and the International Covenant on Civil and Political Rights, adopted on 27 October 1977 by Congressional Resolution No. 684.

## **B. Institutional measures**

31. The Constitution and the Code of Criminal Procedure lay down a set of minimum guarantees that are viewed as international instruments to be recognized and implemented by the State and that are directly linked to the right of defence in criminal proceedings. As a result, the implementation of the Code provides defendants with guarantees for the protection of fundamental rights and the improvement of prison conditions, among other minimum guarantees:

- Resolution No. 296-2005 sets out rules for criminal enforcement judges, who monitor the enforcement of sentences, resolve any issues that may arise during enforcement and monitor compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners, thereby serving as the guarantors of prisoners' fundamental rights.
- Resolution No. 1920-2003 of 13 November 2003, on measures prior to the entry into force of the Code of Criminal Procedure, laid the groundwork for the successful implementation of the Code by establishing minimum due process guarantees.
- In Resolution No. 1920-2003, the Supreme Court recognizes the constitutional status of international treaties once they have been passed by Congress and provides, in one of the preambular paragraphs, that: "Bearing in mind that the Dominican Republic has a constitutional system consisting of provisions of equal standing deriving from two fundamental sources of law: (a) the national source, consisting of the Constitution and constitutional precedents handed down by any of the nation's courts, including the Supreme Court itself, and the jurisprudence established by the highest court in the exercise of its exclusive jurisdiction; and (b) the international source, consisting of international conventions and agreements, and the advisory opinions and decisions of the Inter-American Court of Human Rights. Together, these sources of law make up the body of constitutional law which determines the substantive and formal validity of all procedural or secondary legislation."
- The National Public Defence Office was set up pursuant to Resolution No. 512-2002, adopted by the Supreme Court meeting in plenary on 19 April 2002, and later became the National Public Defence Service under Act No. 277-04. The Service

provides defendants with technical assistance and thereby guarantees the implementation of, and respect for, the rights enshrined in the Constitution, the Code of Criminal Procedure and international treaties.

- Special courts for children and adolescents have been established, training has been provided to the first public defenders for juvenile criminal courts, the Family Mediation Centre has been set up to seek out-of-court solutions to disputes, a procedure for enforcing penalties imposed on adolescents has been established and a training plan has been prepared.
- The Supreme Court adopted Resolution No. 402-2006 of 9 March 2006 on alternative dispute settlement as a public policy of the judiciary.
- The judiciary has adopted measures to improve access to justice for vulnerable persons through the creation of interview centres, mediation centres and the Justice and Gender Monitoring Centre, and through initiatives for the establishment of disability policies.
- The operating manual of the Justice and Gender Monitoring Centre was adopted by the plenary Supreme Court in Resolution No. 27/2010 of 19 August 2010. The Centre is responsible for following up on relevant sentences and other judicial decisions with a view to proposing guidelines for action within the judiciary and the legislative amendments considered necessary to improve the effectiveness and strength of the judicial response.

32. With regard to the application of the Covenant by national courts and access to the remedies provided by law for persons whose rights under the Covenant have been violated, it should be specified that:

- Articles 68 ff. of the Constitution establish guarantees of fundamental rights. Article 68 provides that: “The Constitution guarantees the effectiveness of fundamental rights through guardianship and protection mechanisms that enable people to assert their rights in respect of liable parties or other recipients of rights. Fundamental rights are binding on all the public authorities, which should guarantee the effectiveness of those rights under the conditions established by the present Constitution and by the law.”
- The above does not free the State from responsibility, in that it is binding on the public authorities as guarantors of the effectiveness of fundamental rights. It is thus incumbent on those authorities to establish the instruments needed to achieve that effectiveness under the conditions established by the Constitution and by the law.
- In the Constitution, a distinction is drawn between recipients of rights and the guarantor of rights, which is always the State. The regulation of the guarantee of rights in the Constitution and in legislation sets out the scope of the State’s duties.
- As to the remedies open to individuals who consider that their rights have been violated, the Constitution provides for habeas data (art. 70), habeas corpus (art. 71) and *amparo* (art. 72).

## **VI. Article 10. Rights of persons deprived of their liberty**

### **A. Domestic legislation**

33. Act No. 76-02, which established the Code of Criminal Procedure, is based on principles that protect the fundamental rights of defendants who are deprived of their liberty.

The Act also established the post of criminal enforcement judge, whose main duty is to provide judicial oversight of the enforcement of penalties and to ensure respect for the fundamental rights of those deprived of their liberty.

34. The Code of Criminal Procedure establishes respect for personal liberty as one of its fundamental principles, which is why detention is used only as a last resort. The prison system in the Dominican Republic should therefore see a reduction in the number of individuals in pretrial detention in the future.

35. By virtue of article 444 of Act No. 76-02, criminal enforcement judges may grant parole to detainees who have served half their sentence and can demonstrate that they have completed a rehabilitation programme. This has resulted in a large number of convicted persons serving the remainder of their sentences on parole, thus reducing the number of prison inmates.

36. The National Prison Service is regulated by articles 1, 2, 11, 12, 23, 29, 55, 56, 58, 68, 72, 73, 74, 80, 81, 95 and 103 of Act No. 224-84 of 1984. These provisions are based on the Constitution and the Standard Minimum Rules adopted by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955.

37. Act No. 136-03 (Code for the System for the Protection and Fundamental Rights of Children and Adolescents) contains an entire chapter on criminal procedures to be followed when dealing with adolescents. This Act specifies that the purpose of penalties is to educate, rehabilitate and socially reintegrate adolescents in conflict with the criminal law, and it is the duty of the sentence enforcement judge to ensure that any penalty imposed in the case of an adolescent meets that aim. Furthermore, it provides that custodial sentences should be handed down only in those exceptional cases (see article 336 of the Code of Criminal Procedure) in which no other penalty is appropriate. It also provides that such custodial sentences shall be served in special detention facilities for adolescents, separate from those for adults.

## **B. Institutional measures**

38. The Government is pursuing a prison policy aimed at improving conditions for persons deprived of their liberty. As a result, in the last 10 years, 18 correctional and rehabilitation centres have been built in order to comply with the Standard Minimum Rules, reduce overcrowding, improve hygiene, prevent ill-treatment and render the enforcement of sentences more humane. Regarding social reintegration policies, the Directorate-General of Prisons, as the institution responsible for persons deprived of their liberty, limits itself to the care of prisoners. In under three years, it has increased the number of rehabilitation, education, recreation, occupational therapy, health, cultural and religious programmes, guaranteeing full compliance with the Standard Minimum Rules for the Treatment of Prisoners at all of the country's prisons.

39. Concerning release from prison and alternatives to detention, a great effort has been made in the prison system to ensure that inmates are treated with dignity and humanity. The number of brawls, riots and escapes has been reduced, and a calm, disciplined prison environment has been created, in which inmates display solidarity and follow their own rehabilitation programmes.

40. In 2015, a total of 1,105 persons deprived of their liberty learned to read and write thanks to the National Literacy Plan "Quisqueya Learns with You"; the beneficiaries included 24 women at Nagua Prison, 273 inmates at La Victoria Prison, 153 at El Seibo Prison and 94 at San Juan de la Maguana Prison. The Plan, whose effectiveness is

demonstrated by the number of inmates who have successfully participated in it, was launched in prisons under the traditional prison model in September 2013.

41. Act No. 224-84 identifies education as one of the means of socially reintegrating persons deprived of their liberty. In addition to government initiatives in prisons under the traditional prison model, there are technical courses run by the National Institute of Technical and Vocational Training and other vocational schools for the armed forces and the national police.

42. The Directorate-General of Prisons is currently following up on the Flexible Basic Education Project carried out in cooperation with the Ministry of Education. The Project enables inmates to continue their training pursuant to the National Literacy Plan. In the Saint Francis of Assisi wing of Najayo Men's Prison (Correctional and Rehabilitation Centre No. 17), the yellow walls reflect the glimmering sunlight that comes in through the windows of the three- and four-bed cells. Each inmate has his own bed, unlike in prisons under the old prison model, where inmates have to sleep as best they can, sometimes even on a piece of cardboard resting on nothing but the cold, hard, dirty floor.

43. Nine former prisoners who received educational training within the prison system are now enrolled at the University for Older Persons in Santo Domingo, while others have become honourable professionals who earn a living from their work, according to prison warden Adolfo Sánchez. Since the introduction of the new prison model in 2004, 263 inmates at Najayo Men's Prison (Correctional and Rehabilitation Centre No. 17) have completed basic education, 129 have completed secondary education and 76 have completed higher or university education. One 59-year-old inmate, who has spent seven years of his life at the Prison, explains that he has received training in various fields, which has sparked his interest in further study.

44. Under the new model, inmates are also offered technical courses in electricity, handicrafts, jewellery, plumbing and electrical wiring, industrial electrification, arts and culture, agriculture, small agricultural business management and hydroponics, as it relates to the management of greenhouses and crops. The courses are run by the National Institute of Technical and Vocational Training. Since the Institute was founded 10 years ago, 89,807 men and women have graduated in technical subjects; 10,085 of them graduated in just two years.

## **VII. Article 11. Imprisonment for non-fulfilment of contractual obligations**

### **A. Domestic legislation**

45. Article 40 (10) of the Constitution, which deals with the right to liberty and security of person, establishes that enforcement by committal shall not be permitted unless the debt in question originates from a criminal offence.

46. The penal system, as codified in the Criminal Code, outlines the reasons for which a person may be imprisoned; the reasons cited include felonies and other criminal offences but not the non-fulfilment of a contractual obligation. This is fully in accordance with established national and international standards and provides a guarantee for Dominican citizens that this constitutional and international right shall not be violated.

47. The Dominican Republic is also a signatory to various covenants and conventions that recognize the right of individuals not to be detained simply for non-fulfilment of a contractual obligation.

48. The relevant international norms include article 11 of the International Covenant on Civil and Political Rights and article 7 (7) of the American Convention on Human Rights, which states that “No one shall be detained for debt”.

## **B. Institutional measures**

49. The domestic legislation gives effect to article 11 of the Covenant, thus ensuring that the relevant standards are being met by all Dominican institutions. Consequently, no institutional measures are currently being carried out to improve the implementation of the right established in article 11 of the Covenant.

50. The Dominican State is very concerned, however, by the lack of awareness among the general public about the existing national and international legislation on the protection of the right not to be detained on the ground of debt. The Government therefore recognizes the need to develop a policy to help disseminate information in that regard and is committed to doing so in the short to medium term.

## **VIII. Article 12. The right to liberty of movement and residence**

### **A. Domestic legislation**

51. Article 46 of the Constitution of 2015 establishes the right to liberty of movement. Everyone in the national territory has the right to move freely within, reside in and leave the country, in conformity with the law.

1. No Dominican may be deprived of the right to enter the national territory, nor may he or she be expelled or banished, except on the basis of an extradition order issued by a competent judicial authority, in accordance with the law and relevant international agreements in force.

2. Anyone may apply for asylum in the Dominican Republic in cases of persecution on political grounds. Persons granted asylum shall enjoy protection of the full exercise of their rights, in accordance with the international agreements, norms and instruments signed and ratified by the Dominican Republic. Terrorism, crimes against humanity, administrative corruption and transnational crimes are not deemed to be political offences.

52. In the Dominican Republic, the procedure and regulations governing deportation and expulsion are applied equally to all persons who enter the country illegally, regardless of nationality, and are based on Migration Act No. 285-04 of 15 August 2004, which establishes the conditions for entering and exiting the country.

### **B. Institutional measures**

53. Deportation is an administrative act by which the Dominican Government may expel a foreigner from the country for breach of the law, as established in articles 15, 68 and 121 of the Migration Act. Deportation orders are enforced within a reasonable period, the length of which is determined by the circumstances in which the orders are processed. Decisions made by the migration authorities must comply with the principles of legality and due process, in accordance with article 27 of Migration Act No. 285-04. Pursuant to national migration laws, a foreigner may be detained until the conditions are in place for him or her to be deported successfully. Detention is the last resort and is imposed by the migration



authorities only when all other options set out in the implementing regulations for the Migration Act are deemed insufficient.

54. A foreigner or someone acting on his or her behalf may submit an administrative or judicial appeal against a deportation order while it is being processed or apply for review of the order in accordance with the procedure established in the relevant legislation in force.

55. As noted elsewhere in this document, the Government put into effect the National Plan for Regularizing Immigrants in an Irregular Situation, which was established in Presidential Decree No. 327-13 of 29 November 2013. It also imposed an 18-month moratorium on deportations to enable every foreigner in Dominican territory who met the requirements of the Decree to regularize their situation and obtain migrant status.

56. To make the process more accessible to all interested parties, the Government involved institutions and agencies with relevant experience in efforts to provide information and assistance. These bodies included the United Nations High Commissioner for Refugees, the International Organization for Migration, UNICEF, the European Union, the United Nations Development Programme (UNDP) and the National Board on Migration, among many others. The Government conducted a multilingual awareness-raising campaign in all the media throughout the process, set up more than 20 offices across the country and created mobile offices in order to reach remote areas.

57. The basic requirement for a foreigner to regularize his or her situation was to hold a passport from his or her country of origin. On the closing date for applications, 288,486 persons had submitted a request to regularize their situation, that number being equal to 69 per cent of the foreigners living in the country, based on figures from the 2012 National Survey on Immigrants.

58. More than 90 per cent of the applicants were Haitian nationals, a significant proportion of whom did not have a passport. In view of the fact that the persons affected by the lack of documentation were the foreign nationals themselves, the Dominican Government decided to grant temporary status, valid for one year, to applicants without a passport so as to enable them to obtain their Haitian national identity papers.

## **IX. Article 13. Due process in the expulsion of foreigners**

### **A. Domestic legislation**

59. Act No. 285-04 of 15 August 2004, on migration, establishes the procedure to be followed in the expulsion and deportation of foreigners. It includes the following articles:

(a) Article 22: Those foreigners authorized to remain within the national territory shall enjoy the same civil rights as those enjoyed by Dominicans under the treaties entered into by the Dominican Republic with the foreigner's home country;

(b) Article 23: A foreigner to whom the Government has granted permission to establish residency in the Republic shall enjoy all civil rights for as long as he or she resides in the country;

(c) Article 24: Administrative or judicial proceedings involving foreigners shall enforce the guarantees provided by the Constitution, international conventions and the laws in force;

(d) Article 25: Foreigners who are authorized to remain in the country must obtain, maintain and carry their migration identity document, which they must show to the relevant authorities if requested to do so;

(e) Article 26: Foreigners who are permitted to work on the basis of their entry category or subcategory shall enjoy the protection of the relevant labour and social laws;

(f) Article 27: The deportation or expulsion of foreigners shall be carried out with due respect for their human rights in accordance with the laws in force and the agreements ratified by the Dominican Republic;

(g) Article 28: Non-resident foreign women who give birth during their stay in the country must register their child at the consulate of their home country. If the father of the child is Dominican, the child may be registered at the corresponding Dominican registry office (Oficialía del Estado Civil) in accordance with the relevant laws.

60. Section II: Deportation

61. Article 121: The Director-General of Migration shall order the deportation of a foreigner in the following cases:

(a) If he or she has entered the country clandestinely and is staying there illegally;

(b) If he or she has obtained authorization to enter or remain in the country by means of falsified documents or a false statement, or has obtained falsified documents by fraudulent means, or has obtained genuine documents by fraudulent means to enter or remain in the country;

(c) If a person stays in the country beyond the authorized period or if, following the cancellation of his or her visa, that person does not leave the country within the time frame specified by the Directorate-General of Migration;

(d) The Directorate-General of Migration shall expel foreigners admitted under any category or subcategory if it is determined, after their entry into the country, that any of the impediments established in article 15 of this law apply to them.

62. Section III: Expulsion

63. Article 122: The Minister of the Interior and Police, through the Directorate-General of Migration, shall order the expulsion of a foreigner in the following cases:

(a) If he or she carries out activities that undermine social peace, national security or public order in the Dominican Republic;

(b) If, in violation of existing laws, he or she does not abstain from participating in political activities in the Dominican Republic;

(c) If he or she participates in activities intended to do away with rights or institutions established by the Constitution of the Dominican Republic, without prejudice to the application of the corresponding penalty if his or her action constitutes a criminal offence under the laws in force;

(d) If he or she is convicted of a criminal offence during the first five years of residency in the country or if, after that time period, he or she is convicted of an offence that reveals that he or she is too dangerous to become part of Dominican society;

(e) The expulsion will be carried out in addition to the penalty to be imposed if his or her action constitutes an offence under the Criminal Code;

(f) If, regardless of his or her migratory status, he or she becomes a burden on the State, or if he or she becomes harmful to society by engaging in conduct that is an affront to public morals and decency;

(g) If a situation arises in which special legislation provides for his or her expulsion, whether as a primary or secondary penalty.

64. Article 123: The appropriate authority may refrain from ordering the expulsion or deportation of a foreigner as provided for in the previous articles of the present law in the following cases:

- (a) If the foreigner has been married to a Dominican for more than 10 years or has Dominican children whose births were duly declared;
- (b) If he or she has been living legally, peacefully and continuously in the country for more than 10 years from the date of legal entrance;
- (c) If any of the special circumstances established in the principal regulation apply.

64 bis. Section IV: Measures relating to deportation and expulsion

65. Article 124: Prior to a foreigner's deportation or expulsion, the Directorate-General of Migration shall confiscate the document or documents issued by the competent national authority which grant him or her migratory status in the country.

66. Article 125: Final orders for deportation or expulsion and cases of refusal of admission as provided for in article 120, subparagraphs 2 and 4, shall be communicated to the State security agencies, the Central Elections Board and the Ministry of Foreign Affairs, which will in turn inform the embassies and consulates abroad not to grant visas to the foreigners in question.

67. Article 126: In cases of deportation, expulsion or refusal of admission as provided for in article 120, subparagraphs 2 and 4, the Director-General of Migration may order the detention of the foreigner in question until the conditions required in order for him or her to leave the country are met.

68. Article 127: Deportation, expulsion and refusal of admission as provided for in article 120 (2) and (4) constitute grounds for inadmissibility, and a foreigner who has been the subject of one of these measures may therefore not re-enter the country.

## **B. Institutional measures**

69. The State takes particular care to ensure that the administrative process involved in the deportation of foreigners is executed in accordance with migration laws and the guarantees contained in the Constitution, the Migration Act (Act No. 285-04) and its implementing regulations (Regulation No. 631-11), as well as with the guarantees set forth in the Covenant, which recognizes the power of States to manage their migration policy in a manner that safeguards human dignity.

70. During the administrative proceedings to execute a deportation order, a foreigner's rights are fully protected. Foreigners may:

- Request information on the State's grounds for detaining them for the purpose of deportation.
- Communicate with the representatives of their embassy.
- Notify their relatives, legal representative or a trusted person, whether in the country or abroad. To this end, they are provided with the means of communicating with those persons as early as possible.
- Seek the services of a translator or sign language interpreter to facilitate communication when they do not speak or understand Spanish.
- Provide evidence and argue in defence of their rights, as well as have partial or complete access to their migration file, except where State security is at stake.

## **X. Article 14. Equality of judicial guarantees**

### **A. Domestic legislation**

71. Article 69 of the Constitution provides for effective judicial protection and due process. All persons, in the exercise of their rights and legitimate interests, have a right to an effective judicial remedy and due process consisting of the following minimum guarantees:

1. The right to accessible, timely and free justice;
2. The right to be heard within a reasonable period of time by a competent, independent and impartial court pre-established by law;
3. The right to the presumption of innocence and to be treated as innocent so long as guilt has not been established in a final ruling;
4. The right to equal access to a public adversarial trial and the right to a defence;
5. No one may be tried twice for the same offence;
6. No one may be required to testify against themselves;
7. All persons must be tried under laws that predate the offence with which they are charged, before a competent judge or court and in keeping with all the formalities specific to each trial;
8. Any unlawfully obtained evidence is inadmissible;
9. Any decision may be appealed in accordance with the law. A higher court may not impose a harsher sentence than the one handed down originally when the sentence is being appealed only by the convicted person;
10. Standards of due process apply to all types of judicial and administrative proceedings.

72. The first 28 articles of the Code of Criminal Procedure lay down the principles governing all criminal procedures that apply to persons accused of an offence, and thus protect the rights enshrined in article 14 of the Covenant and articles 111 to 117 of the Code. The procedure to be followed in cases of persons under the age of 18 also provides such protection in accordance with Act No. 136-03 on the protection and fundamental rights of children and adolescents.

73. The Supreme Court set a precedent on 26 December 2001 with regard to police courts when it stated, in one of the preambular paragraphs of a decision, that “in principle, soldiers, including, for the reasons cited above, police officers, shall not be removed from ordinary jurisdiction except under extraordinary circumstances”. It necessarily follows from this that, during times of peace, military and police courts should in principle deal with only special offences of a purely military or police nature committed by soldiers or police officers. It is this type of offence that is referred to in articles 25 and 27 of Act No. 285 of 29 June 1966, which created the Police Justice Code. Paragraph 1 of article 27 states that the police justice courts of first instance shall have jurisdiction over the following cases: special crimes or offences of a police nature committed by members of the national police force. Thus, the ordinary civilian courts have jurisdiction over common offences, whether the accused is a member of the national police force or the armed forces.

74. In recognition of the principle of equality before the law, the Supreme Court handed down Decision No. 58 of 20 January 2004, regarding a writ of habeas corpus sought by a

citizen who held the position of sergeant in the national police force and who had been brought to trial before the police court. In the aforementioned decision, article 217 of the Police Justice Code was declared unconstitutional insofar as it prohibits the application of the laws that allow for habeas corpus proceedings in police courts.

## **B. Institutional measures**

75. Institutional measures include the establishment of the National Judicial Defence Office, pursuant to plenary Supreme Court resolution No. 512-2002 of 19 April 2002, which later became the National Public Defence Service under Act No. 277-04. The Service ensures that accused persons receive technical assistance and, thereby, that the rights enshrined in the Constitution, the Code of Criminal Procedure and international treaties are enforced and upheld.

76. Other measures that reinforce access to justice include the steps that have been taken to organize, systematize and disseminate updated information on a timely basis, such as: the creation of citizen centres for information and guidance, the design of an institutional website, toll-free information hotlines, the Dominican Judicial Documentation and Information Centre, the Public Information Office, and statistical and judicial court bulletins.

77. In addition, special courts for children and adolescents have been established; training has been provided to the first public defenders for juvenile criminal courts; the Family Mediation Centre has been set up to seek out-of-court solutions to disputes; a procedure for enforcing penalties imposed on adolescents has been established; and a training plan has been prepared.

78. The judiciary has taken measures to improve access to justice for vulnerable persons through the establishment of interview centres, mediation centres, the Justice and Gender Monitoring Centre and initiatives for the roll-out of the disability policy.

## **XI. Article 15. The non-retroactivity of the law**

### **A. Domestic legislation**

79. The principle of the non-retroactivity of the law is a reasoned principle that is recognized in article 110 of the Constitution of 2015, which states that “the law applies only to the future. It is not retroactive except where it would be favourable to a person who is on trial or who has already been sentenced. Under no circumstances may the law or the public authorities affect or alter the legal certainty derived from situations established in accordance with pre-existing legislation.”

80. Article 439 of the Criminal Code further supports the principle of the non-retroactivity of the law.

### **B. Institutional measures**

81. The Dominican courts comply fully with the principle of the non-retroactivity of the law, except in cases where it benefits the defendant, and thus far there have been no complaints of non-observance of this principle. For these reasons, the Government has not adopted institutional measures with regard to this principle, which is set forth in article 15 of the Covenant.

## **XII. Article 16. Recognition as a person before the law**

### **A. Domestic legislation**

82. Article 18 of the Constitution of 2015 establishes the right to recognition as a person before the law for all individuals born within its territory, provided that they comply with the requirements set out within the Constitution. Furthermore, the nation is a signatory to various conventions and covenants that recognize this right.

### **B. Institutional measures**

83. Pursuant to decision No. 02-2007 of 28 April 2011, and in application of the Migration Act (No. 285-04), the Central Electoral Board established a birth registration system for children born in the Dominican Republic to non-resident foreign women. The Act provides for the implementation of a civil registration system, in the form of a foreign births register, for all foreigners born in the Dominican Republic who are not entitled to Dominican nationality.

84. The registration system ensures that all children of foreign nationals residing temporarily or irregularly in the Dominican Republic are given a name and an identity in a timely manner. The Central Electoral Board went to great lengths to ensure that the system was implemented effectively, by opening registration units in almost every maternity hospital and birth centre in the country and running an intensive campaign to promote the system, with support from UNDP and the Spanish Agency for International Development Cooperation (AECID).

85. Act No. 169-14 of 21 May 2014 strengthened the mandate of the Central Electoral Board from various standpoints:

- The status of all persons listed as irregular in the civil registers has been fully regularized.
- The Ministry of the Interior and Police has implemented a national plan for the regularization of illegal immigrants. All children who were born in the Dominican Republic to parents who were present in the country illegally and who submitted an application to the Central Electoral Board under the terms of the plan have been added to the civil registers throughout the country.
- Having reviewed the situation, the Central Electoral Board has used various media channels to publicize the list of persons in the registry who are presumed to be in an irregular situation, so that they can present themselves at a civil registry office or service centre to collect their certificates.
- The list of registered persons was also provided to all civil registry offices throughout the country. The process was submitted for the approval of international agencies, the Ministry of Foreign Affairs and the relevant civil society organizations.

## **XIII. Article 17. Respect for privacy (family, home, honour and reputation)**

### **A. Domestic legislation**

86. The right enshrined in article 17 of the Covenant is upheld in articles 44 and 49 (1) of the Constitution of 2015. These articles refer to respect and non-interference in one's

privacy, family, home and correspondence; they also recognize the right to honour, reputation and one's own image, and the fact that freedom of expression must be exercised while respecting those rights.

87. Articles 367 to 378 of the Criminal Code contain provisions to protect a person whose rights have been violated through defamation or insult. The types of penalties corresponding to such violations are also described.

88. Articles 180 to 190 of the Code of Criminal Procedure (Act No. 76-02) establish a person's rights with regard to the sanctity of the home and the formalities required to enter a private home or residence, which include a search warrant that states the purpose of the search, the place to be searched, a list of the objects to be searched, and the names of the persons under investigation. Such a search may be carried out only as part of the investigation of a crime.

89. On 13 November 2003, the Supreme Court issued a resolution outlining the procedure to be followed before the national courts when filing a complaint of illegal electronic communications interception. This resolution authorizes the competent examining magistrate to hear such cases when submitted by the public prosecutor. It also specifies the corresponding penalty under article 337 of the Criminal Code (amended by Act No. 24-97), which states that any person, regardless of whether or not he or she is a civil, police or military authority, who listens to or records a private or confidential statement without the speaker's consent or without a warrant shall be charged with an invasion of privacy.

90. Act No. 136-03 on the System for the Protection and Fundamental Rights of Children and Adolescents establishes that all children and adolescents have the right to the protection of their honour, reputation and image, and to their personal privacy and that of their family. These rights may not be exposed to arbitrary or illegal interference by the State or by any natural or artificial person.

91. No less important among domestic legislation is Act No. 288-05, which regulates credit bureaux. This law was drafted in response to complaints from various sectors of the population that the credit information bureau DATACREDITO was violating the right to privacy by publishing information that was damaging to individuals' public and private image without their consent. This Act, and particularly its articles 443 and 1444, includes various provisions intended to safeguard individuals' right to privacy.

92. In Act No. 200-04 on free access to public information, article 17 (k) sets a restriction on divulging any information which could damage or interfere with a person's right to privacy or put his or her life or safety at risk.

93. The above demonstrates that the Dominican Republic has made an effort to remain up to date with regard to legislation to regulate and provide more effective guarantees for the rights laid out in article 17 of the Covenant.

## **B. Institutional measures**

94. In addition to the above-mentioned legislation, the Social Security Treasury has adopted Act No. 172-13, which prohibits searches of personal data and provides for the comprehensive protection of the personal data contained in files, public records, data banks and other data-processing media, for public and private use. Citizens wishing to obtain information on the personal data held on them by the Social Security System can contact

the Directorate for Information for and Protection of Persons Affiliated with the Social Security System (DIDA).<sup>5</sup>

## **XIV. Article 18. Right to freedom of thought and religion**

### **A. Domestic legislation**

95. Article 45 of the Constitution protects the right to freedom of thought and religion. It clearly establishes the right of individuals to freedom of conscience and worship, subject to the requirements of public order and public morals.

96. The exercise of freedom of religion as established by the Constitution is fully respected by the Government. This is corroborated by the fact that no complaints have been lodged by individuals claiming that they have been prohibited from practising their religion. People freely practise a variety of religions in the country without repression. The country's population includes Catholics, evangelical Christians such as those members of the Assembly of God and the Church of God, Baptists, Methodists and Pentecostals, Seventh-day Adventists, Jehovah's Witnesses and the Church of Jesus Christ of Latter-day Saints, as well as a minority of practising Jews, Muslims and Buddhists.

### **B. Institutional measures**

97. The Dominican Government is not currently implementing any institutional measures in respect of article 18 of the Covenant because no situations requiring such measures have arisen and because the State has fully complied with the provisions referring to the protection of and respect for the right to freedom of thought and religion established in the Covenant.

## **XV. Article 19. Freedom of expression**

### **A. Domestic legislation**

98. The Dominican Republic respects democracy and is firmly committed to guaranteeing free expression and dissemination of thought; indeed, the right to dissemination and expression of thought is enshrined in article 49 of the Constitution.

99. Other domestic laws of the Dominican Republic also protect the right established in article 19 of the Covenant. These statutes include the Expression and Publication of Ideas Act of 15 December 1962 (No. 6132), article 1 of which guarantees the free expression of thought except when it threatens a person's honour or law and order or public security; the Code of Criminal Procedure (Act No. 76-02), which, although it does not define freedom of expression per se, nonetheless represents a step forward in the development of legal provisions concerning evidence, which had previously been misused to pressure the media, journalists and other individuals in defamation and libel cases when a person claimed that his or her rights had been violated; and, finally, Act No. 136-03 on the System for the Protection and Fundamental Rights of Children and Adolescents article 15 of which establishes the right of all children and adolescents to freedom, including personal freedom,

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<sup>5</sup> <http://www.gob.do/index.php/politicas/2014-12-16-20-56-34/politicas-para-el-buen-gobierno/politica-de-privacidad>.



freedom of thought, religion and association, and other rights and liberties set forth in the Constitution, in the Convention on the Rights of the Child and in the aforementioned law.

## **B. Institutional measures**

100. The Constitutional Court annulled articles 30, 31, 34, 37, 46, 47 and 48 of the Expression and Publication of Ideas Act (No. 6132), in effect since 1962, on the grounds that they violated article 13 of the American Convention on Human Rights regarding freedom of thought and expression.

101. Pierre Manigault, President of the Inter-American Press Association and Chairman of the Board of *The Post* and *Courier* newspaper in Charleston, South Carolina, said that the Association applauded “the partial elimination of rules that made [...] speaking about [certain] matters of public interest a criminal offense, which created a blanket of self-censorship in the media and among journalists, limiting the watchdog role of the press and thus the public’s right to information”.

102. President Danilo Medina emphasized his Government’s commitment to freedom of the press and freedom of expression in its efforts to protect and uphold the right of citizens to information and the right of journalists to carry out their work freely in the Dominican Republic. He formally opened the midyear meeting of the Inter-American Press Association at The Westin Puntacana Resort & Club.

103. The President said that progress in this area was evidenced by the country’s improved ranking in the Reporters Without Borders World Press Freedom Index, in which the Dominican Republic had risen 17 places in the previous three years, from eightieth place in 2012 to sixty-third place in 2015. He was confident that the next report would show an even greater improvement.

104. The President stated that “the main complaint of journalists in our country was resolved last February with the annulment by the Constitutional Court of seven articles of the Expression and Publication of Ideas Act (No. 6132), in effect since 1962”.

## **XVI. Article 20. Prohibition of propaganda for war or for national, racial or religious hatred**

### **A. Domestic legislation**

105. Domestic legislation prohibits and provides for penalties on propaganda for war or for national, racial or religious hatred in both substantive and procedural legislation.

106. Article 39 of the Constitution recognizes that “all persons are born free and equal before the law, shall receive equal protection and treatment by institutions, authorities and other persons and shall enjoy the same rights, freedoms and opportunities without any discrimination based on gender, skin colour, age, disability, national origin, family ties, language, religion, political opinion or philosophy, or social or personal status”. Accordingly, the State “shall promote the legal and administrative conditions to ensure that equality is real and effective and shall adopt measures to prevent and combat discrimination, marginalization, vulnerability and exclusion”.

107. All forms of discrimination are punishable under article 336 of the Criminal Code.

108. The civil responsibility system established in article 1382 ff. of the Civil Code provides for the right of victims to make direct requests for compensation by means of civil or administrative proceedings, which may run concurrently with criminal proceedings.

## **B. Institutional measures**

109. In light of the above, it is clear that the Dominican Republic does not simply abstain from, but expressly prohibits and imposes penalties on propaganda for war and national, racial or religious hatred.

110. Accordingly, the Dominican Republic has no policy to advance war or to spread national, racial or religious hatred, nor have there been cases which have necessitated the implementation of institutional measures to uphold the provisions contained in article 20 of the Covenant. In the country's culture, racial confrontation is almost inexistent, with the exception of a small number of isolated incidents which are roundly condemned by the whole of society.

111. Victims' access to justice is provided through legal proceedings which are free of charge, and the existence of national courts in every geographical area of the country which are obliged to deal with all complaints in accordance with the law.

112. However, to date there have been no proceedings related to these grounds in the courts of the Dominican Republic.

## **XVII. Article 21. The right to peaceful assembly**

### **A. Domestic legislation**

113. The right to peaceful assembly is enshrined in and protected by national substantive and procedural legislation.

114. In this regard, article 48 of the Constitution provides that "everyone has the right to assemble peacefully for lawful ends without prior permission, in accordance with the law".

### **B. Institutional measures**

115. In light of the above, it is clear that the Dominican Republic protects, ensures and promotes the right to peaceful assembly. There is no State policy which diminishes this right, nor have there been cases which have necessitated the implementation of institutional measures to uphold the provisions contained in article 21 of the Covenant.

## **XVIII. Article 22. The right to freedom of association**

### **A. Domestic legislation**

116. The right to freedom of association is enshrined in and protected by national substantive and procedural legislation.

117. Article 47 of the Constitution of 2015 provides that "everyone has the right of association for lawful ends, in accordance with the law".

118. Principle XII of the Labour Code recognizes freedom of association as a basic right of workers, and articles 317 and 318 define and protect, respectively, the exercise of that right. On 5 December 1956, the Dominican Republic ratified the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). This Convention provides that workers, without distinction whatsoever, have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. On 22 September 1953, the Dominican Republic also ratified the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which establishes that workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment and acts of interference against union members in relation to the establishment, functioning or administration of trade unions.

## **B. Institutional measures**

119. In light of the above, it is clear that the Dominican Republic protects, ensures and promotes the right to freedom of association. There is no State policy which diminishes this right, nor have there been cases which have necessitated the implementation of institutional measures to uphold the provisions contained in article 22 of the Covenant.

## **XIX. Article 23. The right to a family**

### **A. Domestic legislation**

120. The right to a family is enshrined in and protected by national substantive and procedural legislation.

121. Article 55 of the Constitution provides that “the family is the foundation of society and the basic framework for full individual development. It is formed through natural or legal ties, by the free decision of a man and woman to enter into marriage, or by their responsible desire to form a family.”

122. The Constitution also provides that:

(1) Everyone has the right to form and raise a family, and in that regard men and women have the same rights and obligations and shall afford one another mutual understanding and respect;

(2) The State shall guarantee the protection of the family. Family assets are inalienable and not subject to seizure under the law;

(3) The State shall promote and protect the organization of the family founded in the institution of marriage between a man and a woman. The requirements for entering into marriage, the formalities for its celebration, personal and property effects, grounds for separation or dissolution of the marriage, ownership of property and the rights and obligations of spouses shall be established in law;

(4) Religious marriages shall have civil effects within the limits established by the law, without prejudice to the provisions of international treaties;

(5) The sole and stable union between a man and a woman who are free of matrimonial impediment and who form a de facto household gives rise to rights and obligations in terms of personal and property effects under the law;

(6) Maternity, whatever the social condition or civil status of the woman, enjoys the protection of the public authorities and gives rise to the right to official assistance in case of need;

(7) All persons have the right to the recognition of their legal personality, to their own name and to the surname of their father and of their mother, and to know the identity of their parents;

(8) All persons have a right from birth to be registered free of charge in the civil register or in the foreign births register and to obtain public documents attesting to their identity, in accordance with the law;

(9) All children are equal before the law and shall have equal rights and duties and enjoy the same opportunities for social, spiritual and physical development. It is forbidden to make any reference to filiation in civil registers and in any identity document;

(10) The State promotes responsible parenting. The father and the mother, even following separation or divorce, have a shared and irrevocable duty to feed, raise, instruct, educate, maintain, protect and assist their children. The law shall establish the necessary and appropriate steps to ensure the fulfilment of these obligations;

(11) The State shall recognize housework as an economic activity which adds value and creates wealth and social well-being, and shall include it in the design and implementation of public and social policies;

(12) The State shall enact legislation to ensure safe and effective adoption policies;

(13) The State recognizes the value of young people as strategic stakeholders in the development of the nation. The State ensures and promotes the effective exercise of their rights through policies and programmes which facilitate their continuous participation in all areas of national life, in particular by providing them with training and access to their first job.

123. Both the Civil Code and Act No. 136-03 on the System for the Protection and Fundamental Rights of Children and Adolescents protect the right established in article 23 of the Covenant, as does Act No. 1024, article 1, which states that any family may possess an asset that shall be designated as family property not subject to attachment.

## **B. Institutional measures**

124. In light of the above, it is clear that the Dominican Republic protects, ensures and promotes the right to a family.

125. The measures that the Dominican Republic has taken to promote the well-being of the family include Decree No. 1602-04, which upholds the right of Dominican families to protection and provides for the establishment of an inter-agency committee in charge of drafting a family code.

126. A review of the international commitments and agreements entered into by the Dominican Republic has been initiated with a view to the preparation of a family code. A drafting committee has been established to draw up a draft family code using input from all the relevant institutions so that the final product will be an inclusive body of legislation. The committee will identify and analyse the components that should be included in the code to ensure respect for all family members and to promote family cohesion. The code will seek to promote socialization mechanisms for instilling the social and cultural values that advance human dignity and promote physical, psychological and social well-being.

127. The Dominican Government has developed a set of pro-family policies to alleviate hunger and to help families living in extreme poverty. In mid-2004, it launched the “Eating Comes First” programme. The programme has since been redesigned; the more comprehensive, updated version is now an integral part of the Solidarity Programme. The electronic debit cards issued by the Solidarity Programme uphold the right of individuals living in extreme poverty to have their education, health and transport needs met, ensure that older people will be cared for, and contribute to nutritional and food security. Between the start-up of the Solidarity Programme in the last quarter of 2004 and the end of 2008, the Dominican Government has given RD\$ 11,013,100,000 (US\$ 324.8 million, approximately) to 796,957 beneficiaries.

128. At the start of 2009, a total of 461,580 households had Solidarity cards. Each household receives a subsidy of RD\$ 700 (US\$ 21, approximately) per month for food under the “Eating Comes First” programme. Some 208,000 of these beneficiary households receive an extra RD\$ 150 (approximately US\$ 4.50) per month for every child in school who is attending at least 85 per cent of his or her classes. To protect poor and lower-middle-class families from the rise in fuel prices seen in mid-2008, the Government gives 800,000 households a monthly subsidy of RD\$ 228 (US\$ 6.90, approximately) under the gas subsidy initiative to ease the burden of buying gas for cooking and for transport. Additionally, over the period 2004-2008, Solidarity has paid out RD\$ 473.1 million (US\$ 14.3 million, approximately) to older persons to cover the cost of medications and other necessities and RD\$ 137 million (US\$ 4.2 million, approximately) in incentives for higher education.

129. Some 300,000 families living in extreme poverty are benefiting from the social and educational Progress Programme operating under the Office of the First Lady, and the National Housing Institute has provided 228,789 dwellings between 2003 and 2009 to compensate for the housing shortage.

130. The health system has seen notable advances since the adoption of Social Security Act No. 87-01. Coverage under the subsidized family health insurance scheme for the poor has risen from 65,000 beneficiaries in mid-2004 to 1,224,643 people nationwide. Beneficiaries receive medical services and outpatient treatments and undergo surgery at no cost in public hospitals throughout the country; they also receive subsidies for expensive procedures. The contributory family health insurance scheme for public- and private-sector employers and workers, which was launched in September 2007, already covered 1,729,671 wage earners and dependants — 51 per cent of the target figure — as at the end of 2008.

131. In addition, special courts for children and adolescents have been established; training has been provided to the first public defenders for juvenile criminal courts; the Family Mediation Centre has been set up to seek out-of-court solutions to disputes; a procedure for enforcing penalties imposed on adolescents has been established; and a training plan has been prepared.

132. The National Council for Social Security agreed, by way of Resolution No. 212-02 of 2009, to the direct inclusion of low-income persons with disabilities in the subsidized Family Health Insurance Programme.

## **XX. Article 24. Rights of the child**

### **A. Domestic legislation**

133. The right to a family is enshrined in and protected by national substantive and procedural legislation.

134. Article 56 provides that “the family, society and the State shall give precedence to the best interests of the child or adolescent; they shall have the obligation to assist and protect them in order to guarantee their full and harmonious development and the full exercise of their fundamental rights, in accordance with this Constitution and the law”.

135. The article also contains the following constitutional provisions: “(1) It is of the greatest national importance to eradicate child labour and any kind of ill-treatment or violence against minors. Children and adolescents shall be protected by the State against all forms of abandonment, abduction, vulnerability, abuse or physical, psychological, moral or sexual violence, commercial, labour and economic exploitation, and dangerous work; (2) The State shall promote the active and progressive participation of children and adolescents in family, community and social life; (3) Adolescents are active participants in the development process. The State, with the joint participation of families and society, shall provide opportunities for their productive transition to adulthood.”

136. The provisions of Act No. 136-03 on the System for the Protection and Fundamental Rights of Children and Adolescents uphold the right established in article 24 of the Covenant.

## **B. Institutional measures**

137. In light of the above, it is clear that the Dominican Republic protects, ensures and promotes the rights of the child.

138. The State, through various institutions, has carried out a series of measures to protect the rights of children in accordance with article 24 of the Covenant.

139. The National Council for Children and Adolescents, which was reconfigured in 2004 in line with the Code on Minors (Act No. 136-03), has carried out the following three programmes on behalf of children:

- The Comprehensive Care Programme, established by Decree No. 511-06 of 17 October 2006, offers early years childcare services to the country’s poorest families through an alliance formed by the public and private sectors, the family and the community. The programme’s services cover such areas as health and nutrition, psychology, social work and education.
- Hogares de Paso is a shelter for children and adolescents who are at personal and/or social risk, whose social and emotional bonds with their family have been broken, whose family currently represents a threat to their development, or who require help from the State due to neglect, physical violence or emotional ill-treatment.
- The Ángeles Centre, which is run by the National Council for Children and Adolescents, provides professional intervention services for children and adolescents in the Dominican Republic who have a serious disability and are living in extreme poverty. Its mission is to provide comprehensive quality care for children and adolescents with serious disabilities based on a human rights approach that involves the family and the community.

140. Violence against girls is addressed in the 2015-2018 road map for the prevention and elimination of violence against children and adolescents in the Dominican Republic.

141. Between 6 May 2008 and 30 November 2015, the shelters housed 3,372 people (1,485 women and 1,887 children and adolescents).

142. The District Prosecution Service runs the Línea Vida helpline for children, adolescents and families. The Government has also set up the National Directorate for Victims Services, which oversees the State-run Centre for the Comprehensive Care of

Children and Families. The Centre was established with a view to ensuring the full recovery of survivors and their families from the effects of violence against women or domestic violence and currently provides, in Santo Domingo, the following comprehensive care services: psychological services (individual or family therapy), workshops for fathers, social services (community follow-up and guidance), medical services (paediatricians to assess the physical health of children) and family services (childcare programmes for women in recovery). It has also opened interview centres (with a Gesell dome) in the National District, San Pedro de Macorís, Santiago and San Cristóbal.

143. Lastly, a protocol for the coordinated care of children and adolescents orphaned through femicide was adopted in 2015. The protocol establishes referral mechanisms for coordinated and comprehensive protection and defines the roles and functions of the various persons involved. It is run jointly by the Public Prosecution Service, the National Council for Children and Adolescents, the Ministry for Women, the Ministry of Health, the national police, the Office of the Vice-President and the Progress with Solidarity programme.

## **XXI. Article 25. Political rights**

### **A. Domestic legislation**

144. Political rights are enshrined in and protected by national substantive and procedural legislation.

145. Article 22 of the Constitution establishes the following rights for citizens: “(1) To vote for and to be eligible to stand for the offices established in the Constitution; (2) To decide on matters put to a referendum; (3) To exercise the right to popular, legislative and municipal initiative established in the Constitution and other legislation; (4) To formulate requests to the public authorities for measures in the public interest and to receive a response from the authorities within the time frame provided for by law; (5) To report misconduct by public officials in the performance of their duties.”

146. Electoral Acts No. 275-97, No. 12-2000 and No. 13-2000 and Municipal Act No. 176-07 are also in force.

### **B. Institutional measures**

147. In light of the above, it is clear that the Dominican Republic protects, ensures and promotes political rights.

148. Particularly noteworthy is the 25 per cent quota for the representation of women in elections, which was first established by Electoral Act No. 275-97. Subsequently, Act No. 12-2000 established a 33 per cent quota for municipal and congressional elections, and Act No. 13-2000 provided for the posts of mayor and deputy mayor to feature candidates of the opposite sex.

149. The 25 per cent quota set out in Electoral Act No. 275-97 not only set a historic precedent for the country, but was also the first affirmative action taken under the commitments to the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration and Platform for Action with regard to political participation. The measure also sparked public debate on the right of women to full participation in the political arena.

150. The adoption of a minimum quota for political representation drove female politicians within political parties to push for the establishment of quotas in the internal structures of political parties, particularly in high-level management.

151. As indicated above, the Dominican Republic has two laws on minimum quotas for election candidates: Act No. 12-2000, which establishes a minimum quota of 33 per cent of women candidates for deputy and town councillor seats, and Act No. 13-2000, which mandates that mayoral and deputy mayoral candidates must be of the opposite sex.

152. Other relevant measures include Resolutions No. 06-2006 and No. 04-2010 of the Central Electoral Board, adopted in 2006 and 2010 respectively, to promote the fulfilment of the quota. Both Resolutions provide for mandatory compliance with the quota legislation by political parties.

153. In Resolution No. 04-2010, the Central Electoral Board makes binding on political parties, alliances and groups the obligation to include a minimum of 33 per cent women in their lists of candidates for deputies, town councillors and deputy town councillors and municipal councillors, under an alternating system. That obligation encompasses all posts available at every election level, and includes the total number of posts being contested throughout the country and per constituency.

## **XXII. Article 26. Equality before the law and non-discrimination**

### **A. Domestic legislation**

154. The concept of equality before the law is enshrined in national substantive and procedural legislation, which prohibits discrimination.

155. Article 39 of the Constitution recognizes that “all persons are born free and equal before the law, shall receive equal protection and treatment by institutions, authorities and other persons and shall enjoy the same rights, freedoms and opportunities without any discrimination based on gender, skin colour, age, disability, national origin, family ties, language, religion, political opinion or philosophy, or social or personal status”. Accordingly, the State “shall promote the legal and administrative conditions to ensure that equality is real and effective and shall adopt measures to prevent and combat discrimination, marginalization, vulnerability and exclusion”.

156. Article 336 of the Criminal Code punishes all forms of discrimination.

157. The civil responsibility system established in articles 1,382 ff. of the Civil Code provides for the right of victims to make direct requests for compensation by means of civil or administrative proceedings, which may run concurrently with criminal proceedings.

### **B. Institutional measures**

158. In light of the above, it is clear that the Dominican Republic does not simply abstain from but expressly prohibits and imposes penalties for all forms of discrimination.

159. Accordingly, the Dominican Republic does not have discriminatory policies, nor have there been cases which have necessitated the implementation of institutional measures to uphold the provisions contained in article 26 of the Covenant.

160. Victims’ access to justice is provided through legal proceedings which are free of charge, and the existence of national courts in every geographical area of the country which are obliged to deal with all complaints in accordance with the law.



161. However, to date there have been no proceedings related to these grounds in the courts of the Dominican Republic.

162. The Ministry for Women was established under Act No. 86-99 of 11 August 1999. It is responsible for establishing standards and coordinating the implementation of policies, plans and programmes at the sectoral and interministerial levels and with civil society with a view to achieving gender equity and the full exercise of citizenship by women. The Ministry was set up as part of a State reform and modernization initiative that followed a coordinated sectoral negotiations process that started in 1997 and involved around 100 government institutions and non-governmental organizations.

163. The second National Gender Equity and Equality Plan (2007-2017) was adopted in an effort to mainstream and promote a gender perspective in the institutional structure of the State. The Plan, which allows for gender-based State intervention, ensures coordinated and consistent action by different stakeholders and provides implementation mechanisms and resources. Its main aim is to build equitable and equal relations between men and women. The first National Gender Equity and Equality Plan, which was adopted in 2000 for an initial five-year period, served as the foundation for this second Plan.

164. The second National Gender Equity and Equality Plan provides a focus for promoting and coordinating efforts to ensure that a gender perspective is integrated into all public policies. The plan takes account of commitments undertaken by the Dominican Republic in treaties and at conferences, including the Convention on the Elimination of All Forms of Discrimination against Women, commitments to combat forms of violence against women, the Beijing Platform for Action, the Millennium Summit of the United Nations, the Millennium Development Goals, and the tenth session of the Regional Conference on Women in Latin America and the Caribbean.

165. The second National Gender Equity and Equality Plan was redesigned on the basis of a medium-term perspective for implementation over a period of 10 years in order to span several government terms of office and thus become established as a State policy. It provides for a computerized system to record data on each of the proposed indicators to allow for monitoring of progress. An important aspect of the plan is that it requires government bodies to include allocations in their budgets for its application. Seven lines of action have been identified:

- Promote a culture of gender equality and equity
- Uphold the rights of women and the full exercise of their citizenship
- Reinforce economic empowerment and encourage efforts to overcome poverty among women
- Promote women's leadership and their political and social participation with a view to gender equality
- Promote women's access to and control of quality goods and services
- Eradicate all forms of violence against women throughout their lives
- Promote the full participation of women in the information and knowledge society

166. To ensure that the plan is used to incorporate gender-based perspectives, gender equity and development offices have been established in all government branches under Decree No. 974-03. A growing number of institutions within central and local government and the legislature have responded positively to the establishment of these offices, including the Gender Commission of the Chamber of Deputies, the Commission on Women and the Family, the Senate, the Ministry of Labour, the Ministry of Education, the Ministry

of Public Health and Social Welfare, the Ministry for Youth, the armed forces and the national police.

167. The Solidarity Programme, which is run by the Social Affairs Cabinet of the Office of the President of the Republic, is one of the programmes designed to tackle poverty among women. It currently provides assistance to 796,957 low-income families, many of which live in households headed by single mothers. The Programme has three components: the “Eating Comes First” initiative, which distributes food subsidies; the School Attendance Incentive, which provides financial assistance to mothers in return for a commitment to send their children to school and to promote health protection in the home; and the gas subsidy initiative, which gives subsidies to mothers for the purchase of liquefied petroleum gas.

168. The Social and Educational Progress Programme operates under the Office of the First Lady and provides support to 300,000 families living in extreme poverty. It promotes their overall development through guidance, training and awareness activities dealing with access to and the use of goods and services provided by the State and civil society. A childcare centres project provides facilities for children of university students to help the latter pursue their studies. These programmes are part of a government initiative to achieve the equal sharing of responsibilities between women and men.

169. A major milestone in education was the adoption of General Education Act No. 66-97. Article 4 of the Act identifies sex discrimination as a violation of the right of all to education. Following Curriculum Reform No. 95-6, a gender education component was formally incorporated into the school curriculum beginning in 2004.

170. Another important development in education has been the incorporation of a gender perspective into teacher training programmes. Four gender-education modules have been prepared on human rights, gender roles, domestic violence and violence against women, and adolescent pregnancy.

171. Six “Generating Equity” diploma courses have been held for teachers in the different regional districts overseen by the Ministry of Education, and a pilot project has been run in 12 schools in the border region with a view to promoting harmonious multicultural coexistence. This project includes a component that incorporates a gender perspective and focuses on inequalities associated with ethnicity, race, national origin or economic and social factors.

172. In higher education, work has begun on gender mainstreaming in the curricula of the faculties of education, psychology and history at the Autonomous University of Santo Domingo, and support has been provided for the establishment of centres for gender research in the Autonomous University of Santo Domingo and the Santo Domingo Technological Institute.

173. Efforts are also under way to ensure gender mainstreaming in the curricula of the training schools for the armed forces and national police.

174. Another major achievement in this area is Act No. 55-97, which amends Agrarian Reform Act No. 5879. It includes women in the land distribution process and establishes that they have the same rights as men to plots distributed under the land reform programme, since, under the Act, a household is represented by both partners, whether they are married or not.

175. As part of the judiciary’s efforts to improve the position of women in the Dominican Republic, the Supreme Court, sitting in plenary session, approved a policy document on gender equality within the judiciary by Resolution No. 3041-2007 of 1 November 2007. Subsequently, the Commission for Gender Equality was established by Supreme Court Resolution No. 1924-2008 of 19 June 2008 and was given a mandate to monitor and report

on measures approved within the framework of the judiciary's gender equality policy, commitments entered into by the Dominican Republic following ratification of international instruments and commitments undertaken by the judiciary, both nationally and internationally.

176. The Government is committed to a national reform process whose key elements include amendments to the Constitution, the Criminal Code and the Civil Code, together with the drafting of a family code and a political parties act. The Ministry for Women is playing an important role in this process and has proposed amendments to all these instruments with a view to protecting and advancing women's rights.

177. Reflecting developments in society to combat domestic violence, Act No. 24-97 of 27 January 1997 lays down penalties for rape and violence against women. Although significant progress has been made in disseminating information on the Act and raising awareness of it, particularly among women, challenges remain with regard to its effective implementation and raising awareness among the police and judiciary.

178. On 1 December 2007, as part of the affirmative action policies being implemented to combat domestic violence, Act No. 46-07 was circulated. The Act, adopted in February 2007 and published in November, establishes that, every year between 25 November and 10 December, activities shall take place to mark 16 days of activism against violence against women.

179. This event is organized by the Parliamentary Commission on Gender, in coordination with the Ministry for Women and other government bodies and women's organizations. It mobilizes people to press for adequate funding for efforts to prevent violence against women and an increased budget allocation for the Ministry for Women.

180. The Government has developed various mechanisms to make optimal use of available resources and to strengthen efforts to prevent domestic violence and violence against women and to provide care for victims. Comprehensive measures to eliminate all forms of violence include Act No. 24-97, as discussed above, and the following actions:

(a) The establishment by the Office of the Public Prosecutor of neighbourhood prosecutor's offices in districts with high levels of gender violence, to which women can report abuse by their partner;

(b) The establishment of the National Commission for the Prevention of Domestic Violence. The Commission, which has been in existence since 1998, has had a significant impact in each of the sectors served by its component bodies. It has set out clear lines of action in its platform, which calls for the provision of optimal, proper, coordinated and comprehensive care to women survivors of violence as part of each and every prevention strategy now in effect;

(c) The establishment of the Office of the Procurator-General for Women, which is responsible for investigating discrimination against women and for developing law enforcement measures and protection policies to help to reduce the high level of violence, especially violence against women;

(d) The establishment, skills development and launch of a network of stakeholders within the system for the prevention and punishment of gender-based and domestic violence and for the comprehensive care of victims. The network is tasked with coordinating efforts with the Government, civil society organizations and individuals aimed at eradicating gender-based and domestic violence in the Dominican Republic. The network is made up of 20 State and civil society institutions;

(e) The development of the National Model for Care and Prevention in the Area of Domestic Violence, which provides a frame of reference and establishes guidelines for

service providers, specialist staff and managers from government institutions and civil society organizations involved in care and prevention in the area of domestic violence;

(f) The development of national standards setting out the way in which health care should be organized and delivered in cases of domestic violence. These standards also provide a framework for defining the duties of health staff at different levels of service. They are enforced and widely used throughout the Dominican Republic in both public and private health centres and facilities providing care and prevention in the area of domestic violence and violence against women;

(g) The introduction of a comprehensive care policy and its application through the establishment of units for the comprehensive care of women victims of gender-based violence;

(h) The introduction of a policy on comprehensive care for the victims of violence and its application through a programme to improve and humanize public services for victims of violence which is run in conjunction with the Public Prosecutor's Office of the National District and the Province of Santo Domingo;

(i) The establishment and start-up of a programme of ongoing training for service providers in the police and judiciary in the areas of violence against women, domestic violence and human rights violations;

(j) The design of a proposed unified protocol for the treatment of women victims of violence in the justice and police systems;

(k) The development of a structured victim risk assessment tool for use in neighbourhood prosecutor's offices and comprehensive care units for women as a basis for the implementation of appropriate measures;

(l) The preparation and distribution of a guide to the use of legal instruments for the prevention, punishment and treatment of cases of violence against women and domestic violence in the Dominican Republic;

(m) The start-up of the "Women, Know Your Rights" radio programme, the launch of radio and television campaigns on the prevention of violence, and the distribution of information material.

181. Despite the progress made by the Dominican Republic in protecting women against domestic violence, the 2006-2008 figures for deaths among women (500 and 204 femicides) are still alarming. The Government is committed to further strengthening measures to reduce the extent of domestic violence in the country as much as possible.

182. Act No. 137-03 was adopted with a view to addressing the worrying situation that exists with respect to women, illicit trafficking of human beings and migrant smuggling. Under the Act, all forms of trafficking of human beings are punishable. This includes anyone who profits from the entry into, or departure from, the Dominican Republic of a person for purposes of prostitution. Penalties in the form of terms of imprisonment and/or fines are set according to the position or post held by a person who promotes this activity, the age of the person concerned and the type of behaviour in which he or she is led to engage, as well as its consequences, such as diseases, offences to decency and good morals. Violators are not entitled to bail.

183. The Inter-Agency Committee for the Protection of Migrant Women was established in 1999 by Decree No. 97-99 to support initiatives to promote and enforce the Act. The Committee, which is the first body of its kind, monitors the various measures taken to implement the Act and has promoted training and awareness-raising for staff from the various government and non-governmental agencies which comprise it.

184. The Dominican Republic has implemented comprehensive measures to combat smuggling and trafficking of women and girls since the promulgation of the above-mentioned Act. Mechanisms developed to prevent irregular migration and trafficking include the Reception Centre for Returned and Trafficked Women, which provides care and support for migrant, trafficked and returned women, and the Inter-Agency Committee for the Protection of Migrant Women, which offers health-care services, psychological care, legal advice, and practical support to returned women during their social reintegration, job placement services and training in areas of interest. It also operates a nationwide information helpline.

185. The Ministry for Women and the Inter-Agency Committee for the Protection of Migrant Women, in coordination with civil society organizations and the International Organization for Migration, have run four diploma courses in this area. These courses incorporate a gender perspective as a cross-cutting theme and provide an introduction to national and international laws against the smuggling of migrants and trafficking in persons.

186. As part of a series of national studies undertaken within the framework of the Council of Women Ministers of Central America and the Dominican Republic, the Committee has conducted and published research on trafficking in persons and people-smuggling, with one component focusing on legislation and its application and another on the experiences of women victims.

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