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Instruments**

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**Dominican Republic\* \*\***

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\* The present document is being issued without formal editing.  
\*\* The annexes may be consulted in the files of the secretariat.



## Common core document of the Dominican Republic

### I. Introduction

1. In compliance with its obligations as a State party to international human rights treaties, the Dominican Republic submits this report containing general information on the country and its institutional architecture, as well as the mechanisms it has set up to protect the human rights of its inhabitants.

### II. General information on the Dominican Republic

#### A. Demographic, economic, social and cultural characteristics of the Dominican Republic

##### 1. Demographics

2. The Dominican Republic is located on the eastern two thirds of Hispaniola Island, which it shares with Haiti. With an area of 48,442 km<sup>2</sup> (18,704 mi<sup>2</sup>), it is the second largest country in the Caribbean region. Situated in the heart of the Caribbean, it is surrounded by the Atlantic Ocean on the north and the Caribbean Sea on the south.

3. The 2010 census shows a population of 9,980,243 inhabitants.

##### 2. Population indicators

4. The 1920 census showed a population of 894,665; over the next 15 years, the population grew at an average rate of 40,700 persons per year. Over time, the population continued to grow, and between 1935 and 1950, it grew at an annual rate of 43,000; between 1950 and 1960, the annual growth rate was 91,000. Between 1960 and 1970, the annual rate of growth was 103,000, while during the nearly 12 years between the 1970 census and the 1981 census, it grew at an annual rate of 129,000 persons. Between the 1981 census and the 1993 census, it grew at an annual rate of 137,000, and between the 1993 census and the 2002 census, at 140,000 per year. At the same time, the absolute population growth between the 2002 census and the 2010 census was 882,569, signalling an average annual growth of 108,000 persons. The growth from 894,665 inhabitants in 1920 to 9,445,281 in 2010 indicates that the country's population increased 10.5 times over a 90-year period.

5. The growth described above is shown in greater detail in the following tables:

REPÚBLICA DOMINICANA: Población censada y tasa de crecimiento media anual, según año del censo, 1920-2010

Año del censo	Población	Tasa de crecimiento media anual 1920-2010 (por 100)
1920	894,665	
1935	1,479,417	3.56
1950	2,135,872	2.44
1960	3,047,070	3.61
1970	4,009,458	2.98
1981	5,545,741	2.76
1993	7,293,390	2.35
2002	8,562,541	1.79
2010	9,445,281	1.21

REPÚBLICA DOMINICANA: Población censada por sexo,  
según año del censo, 1920-2010

Año del censo	Población censada		
	Total	Hombres	Mujeres
1920	894,665	446,384	448,281
1935	1,479,417	750,704	728,713
1950	2,135,872	1,070,742	1,065,130
1960	3,047,070	1,535,820	1,511,250
1970	4,009,458	2,000,824	2,008,634
1981	5,545,741	2,793,884	2,751,857
1993	7,293,390	3,550,797	3,742,593
2002	8,562,541	4,265,216	4,297,325
2010	9,445,281	4,739,038	4,706,243

REPÚBLICA DOMINICANA: Distribución porcentual de la población por año del censo,  
según grupos de edades, 1935-2010

Grupos de edades	Porcentaje								
	1935	1950	1960	1970	1981	1993	2002	2010	
<b>Total</b>	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	
<b>0-4</b>	16.6	17.6	18.4	16.9	13.9	13.0	11.4	9.5	
<b>5-9</b>	16.5	13.9	16.0	16.4	13.3	11.5	11.4	9.9	
<b>10-14</b>	13.3	13.0	12.9	14.3	13.1	11.5	11.2	10.3	
<b>15-19</b>	10.3	10.6	9.4	11.2	12.4	10.7	9.8	10.4	
<b>20-24</b>	9.0	10.0	8.4	8.2	9.9	10.6	9.2	9.3	
<b>25-29</b>	7.9	7.3	7.0	6.1	7.7	8.9	8.0	8.1	
<b>30-34</b>	5.8	5.6	6.1	5.2	6.1	7.4	7.5	7.5	
<b>35-39</b>	5.4	5.4	5.0	5.2	4.9	5.8	6.9	6.7	
<b>40-44</b>	4.1	4.3	4.1	4.3	4.2	4.7	5.6	6.1	
<b>45-49</b>	2.9	3.1	3.2	3.0	3.4	3.6	4.4	5.3	
<b>50-54</b>	2.4	2.8	2.9	2.7	3.2	3.2	3.9	4.3	
<b>55-59</b>	1.3	1.7	1.7	1.6	2.1	2.3	2.7	3.4	
<b>60-64</b>	1.7	1.8	2.0	1.8	1.9	2.3	2.4	2.8	
<b>65-69</b>	0.8	0.9	0.9	1.0	1.3	1.5	1.8	2.0	
<b>70-74</b>	0.8	0.8	0.9	1.0	1.0	1.2	1.6	1.7	
<b>75 y más</b>	1.1	1.2	1.2	1.2	1.4	1.8	2.2	2.6	

REPÚBLICA DOMINICANA: Población nacida en el país, por sexo, según región, provincia y municipio de nacimiento

Región, provincia y municipio de nacimiento	Población nacida en el país		
	Total	Hombres	Mujeres
<b>Total</b>	<b>9,049,490</b>	<b>4,499,041</b>	<b>4,550,449</b>
<b>Región Ozama</b>	<b>2,120,418</b>	<b>1,055,940</b>	<b>1,064,478</b>
<b>Distrito Nacional</b>	<b>729,521</b>	<b>361,786</b>	<b>367,735</b>
Santo Domingo de Guzmán	729,521	361,786	367,735
<b>Provincia Santo Domingo</b>	<b>1,390,897</b>	<b>694,154</b>	<b>696,743</b>
Municipio Santo Domingo Este	582,955	289,452	293,503
Municipio Santo Domingo oeste	209,072	104,212	104,860
Municipio Santo Domingo Norte	307,775	154,434	153,341
Municipio Boca Chica	73,411	36,605	36,806
Municipio San Antonio de Guerra	36,533	18,409	18,124
Municipio Los Alcarrizos	137,889	69,410	68,479
Municipio Pedro Brand	43,262	21,632	21,630
<b>Región Cibao Norte</b>	<b>1,459,283</b>	<b>728,410</b>	<b>730,873</b>
<b>Provincia Espaillat</b>	<b>279,507</b>	<b>139,245</b>	<b>140,262</b>
Municipio Moca	221,943	109,922	112,021
Municipio Cayetano Germosén	5,205	2,744	2,461
Municipio Gaspar Hernández	44,637	22,592	22,045
Municipio Jamao al Norte	7,722	3,987	3,735
<b>Provincia Puerto Plata</b>	<b>350,628</b>	<b>174,724</b>	<b>175,904</b>
Municipio Puerto Plata	194,474	95,441	99,033
Municipio Altamira	32,603	16,110	16,493
Municipio Guanaco	6,463	3,374	3,089
Municipio Imbert	22,624	11,366	11,258
Municipio Los Hidalgos	14,033	7,389	6,644
Municipio Luperón	18,394	9,234	9,160
Municipio Sosúa	30,520	15,602	14,918
Municipio Villa Isabela	16,721	8,714	8,007
Municipio Villa Montellano	14,796	7,494	7,302
<b>Provincia Santiago</b>	<b>829,148</b>	<b>414,441</b>	<b>414,707</b>
Municipio Santiago	574,624	285,460	289,164
Municipio Bisonó	30,349	15,328	15,021
Municipio Jánico	27,476	14,007	13,469
Municipio Licey al Medio	21,429	10,749	10,680
Municipio San José de las Matas	54,748	27,636	27,112
Municipio Tamboril	45,415	22,806	22,609
Municipio Villa González	30,491	15,322	15,169
Municipio Puñal	34,909	17,946	16,963
Municipio Sabana Iglesia	9,707	5,187	4,520
<b>Región Cibao Sur</b>	<b>815,638</b>	<b>406,019</b>	<b>409,619</b>
<b>Provincia La Vega</b>	<b>443,143</b>	<b>220,428</b>	<b>222,715</b>
Municipio La Vega	281,248	139,584	141,664
Municipio Constanza	69,471	34,809	34,662
Municipio Jarabacoa	65,596	32,603	32,993
Municipio Jima Abajo	26,828	13,432	13,396
<b>Provincia Sánchez Ramírez</b>	<b>200,460</b>	<b>99,965</b>	<b>100,495</b>
Municipio Cotuí	133,644	65,547	68,097
Municipio Cevicos	15,039	7,691	7,348
Municipio Fantino	20,058	10,228	9,830
Municipio La Mata	31,719	16,499	15,220
<b>Provincia Monseñor Nouel</b>	<b>172,035</b>	<b>85,626</b>	<b>86,409</b>
Municipio Bonao	141,192	69,830	71,362
Municipio Maimón	15,274	7,837	7,437
Municipio Piedra Blanca	15,569	7,959	7,610
<b>Región Cibao Nordeste</b>	<b>781,698</b>	<b>386,355</b>	<b>395,343</b>
<b>Provincia Duarte</b>	<b>351,792</b>	<b>174,113</b>	<b>177,679</b>
Municipio San Francisco de Macorís	250,944	122,751	128,193
Municipio Arenoso	11,375	6,189	5,186
Municipio Castillo	20,469	10,300	10,169
Municipio Pimentel	21,679	10,759	10,920
Municipio Villa Riva	32,816	16,656	16,160
Municipio Las Guáranas	10,211	5,194	5,017
Municipio Eugenio María de Hostos	4,298	2,264	2,034
<b>Provincia María Trinidad Sánchez</b>	<b>182,324</b>	<b>90,408</b>	<b>91,916</b>
Municipio Nagua	117,925	57,855	60,070
Municipio Cabrera	28,198	14,001	14,197
Municipio El Factor	17,498	9,204	8,294
Municipio Río San Juan	18,703	9,348	9,355

Región, provincia y municipio de nacimiento	Población nacida en el país		
	Total	Hombres	Mujeres
<b>Provincia Hermanas Mirabal</b>	<b>134,234</b>	<b>66,041</b>	<b>68,193</b>
Municipio Salcedo	70,912	34,266	36,646
Municipio Tenares	36,907	18,322	18,585
Municipio Villa Tapia	26,415	13,453	12,962
<b>Provincia Samaná</b>	<b>113,348</b>	<b>55,793</b>	<b>57,555</b>
Municipio Samaná	75,738	37,029	38,709
Municipio Sánchez	29,550	14,666	14,884
Municipio Las Terrenas	8,060	4,098	3,962
<b>Región Cibao Noroeste</b>	<b>433,168</b>	<b>216,670</b>	<b>216,498</b>
<b>Provincia Dajabón</b>	<b>86,381</b>	<b>43,064</b>	<b>43,317</b>
Municipio Dajabón	39,355	19,376	19,979
Municipio Loma de Cabrera	27,003	13,338	13,665
Municipio Partido	5,916	3,092	2,824
Municipio Restauración	9,271	4,709	4,562
Municipio El Pino	4,836	2,549	2,287
<b>Provincia Monte Cristi</b>	<b>114,202</b>	<b>57,234</b>	<b>56,968</b>
Municipio Monte Cristi	44,696	21,524	23,172
Municipio Castañuelas	12,249	6,370	5,879
Municipio Guayubín	31,020	15,932	15,088
Municipio Las Matas de Santa Cruz	6,492	3,370	3,122
Municipio Pepillo Salcedo	5,851	2,970	2,881
Municipio Villa Vásquez	13,894	7,068	6,826
<b>Provincia Santiago Rodríguez</b>	<b>85,044</b>	<b>42,244</b>	<b>42,800</b>
Municipio San Ignacio de Sabaneta	62,289	30,727	31,562
Municipio Villa Los Almácigos	9,530	4,937	4,593
Municipio Monción	13,225	6,580	6,645
<b>Provincia Valverde</b>	<b>147,541</b>	<b>74,128</b>	<b>73,413</b>
Municipio Mao	84,923	42,112	42,811
Municipio Esperanza	45,147	22,992	22,155
Municipio Laguna Salada	17,471	9,024	8,447
<b>Región Valdesia</b>	<b>1,105,975</b>	<b>549,822</b>	<b>556,153</b>
<b>Provincia Azua</b>	<b>261,764</b>	<b>131,444</b>	<b>130,320</b>
Municipio Azua	141,607	68,730	72,877
Municipio Las Charcas	9,204	4,790	4,414
Municipio Las Yayas de Viajama	14,997	7,946	7,051
Municipio Padre Las Casas	27,958	14,224	13,734
Municipio Peralta	17,299	8,938	8,361
Municipio Sabana Yegua	11,953	6,332	5,621
Municipio Pueblo Viejo	11,119	5,677	5,442
Municipio Tábara Arriba	15,467	8,393	7,074
Municipio Guayabal	7,279	3,837	3,442
Municipio Estebanía	4,881	2,577	2,304
<b>Provincia Peravia</b>	<b>192,910</b>	<b>94,145</b>	<b>98,765</b>
Municipio Baní	168,605	81,986	86,619
Municipio Nizao	24,305	12,159	12,146
<b>Provincia San Cristóbal</b>	<b>547,122</b>	<b>272,920</b>	<b>274,202</b>
Municipio San Cristóbal	252,540	124,620	127,920
Municipio Sabana Grande de Palenque	19,361	9,754	9,607
Municipio Bajos de Haina	79,151	39,702	39,449
Municipio Cambita Garabitos	31,540	16,215	15,325
Municipio Villa Altagracia	91,713	45,479	46,234
Municipio Yaguatae	41,028	20,702	20,326
Municipio San Gregorio de Nigua	22,677	11,565	11,112
Municipio Los Cacaos	9,112	4,883	4,229
<b>Provincia San José de Ocoa</b>	<b>104,179</b>	<b>51,313</b>	<b>52,866</b>
Municipio San José de Ocoa	85,733	41,426	44,307
Municipio Sabana Larga	8,962	4,752	4,210
Municipio Rancho Arriba	9,484	5,135	4,349
<b>Región Enriquillo</b>	<b>489,666</b>	<b>244,864</b>	<b>244,802</b>
<b>Provincia Baoruco</b>	<b>137,049</b>	<b>68,286</b>	<b>68,763</b>
Municipio Neiba	68,806	33,590	35,216
Municipio Galván	16,586	8,409	8,177
Municipio Tamayo	30,470	15,397	15,073
Municipio Villa Jaragua	14,359	7,302	7,057
Municipio Los Ríos	6,828	3,588	3,240

Región, provincia y municipio de nacimiento	Población nacida en el país		
	Total	Hombres	Mujeres
<b>Provincia Barahona</b>	<b>262,130</b>	<b>130,707</b>	<b>131,423</b>
Municipio Barahona	157,171	76,695	80,476
Municipio Cabral	17,618	8,775	8,843
Municipio Enriquillo	15,285	7,863	7,422
Municipio Paraíso	14,354	7,596	6,758
Municipio Vicente Noble	19,329	9,868	9,461
Municipio El Peñón	3,900	2,009	1,891
Municipio La Ciénaga	8,585	4,432	4,153
Municipio Fundación	7,341	3,795	3,546
Municipio Las Salinas	5,288	2,659	2,629
Municipio Polo	8,851	4,711	4,140
Municipio Jaquimeyes	4,408	2,304	2,104
<b>Provincia Independencia</b>	<b>58,223</b>	<b>29,356</b>	<b>28,867</b>
Municipio Jimaní	17,872	8,850	9,022
Municipio Duvergé	19,326	9,535	9,791
Municipio La Descubierta	6,980	3,645	3,335
Municipio Postrer Río	4,622	2,480	2,142
Municipio Cristóbal	5,810	3,024	2,786
Municipio Mella	3,613	1,822	1,791
<b>Provincia Pedernales</b>	<b>32,264</b>	<b>16,515</b>	<b>15,749</b>
Municipio Pedernales	25,010	12,664	12,346
Municipio Oviedo	7,254	3,851	3,403
<b>Región El Valle</b>	<b>507,005</b>	<b>250,714</b>	<b>256,291</b>
<b>Provincia Elías Piña</b>	<b>107,540</b>	<b>52,750</b>	<b>54,790</b>
Municipio Comendador	55,340	26,318	29,022
Municipio Bánica	13,699	6,705	6,994
Municipio El Llano	7,991	4,181	3,810
Municipio Hondo Valle	16,135	8,008	8,127
Municipio Pedro Santana	9,920	5,109	4,811
Municipio Juan Santiago	4,455	2,429	2,026
<b>Provincia San Juan</b>	<b>399,465</b>	<b>197,964</b>	<b>201,501</b>
Municipio San Juan	261,140	127,880	133,260
Municipio Bohechío	9,534	5,041	4,493
Municipio El Cercado	31,868	16,085	15,783
Municipio Juan de Herrera	11,939	6,299	5,640
Municipio Las Matas de Farfán	71,150	35,317	35,833
Municipio Vallejuelo	13,834	7,342	6,492
<b>Región Yuma</b>	<b>500,888</b>	<b>248,566</b>	<b>252,322</b>
<b>Provincia El Seibo</b>	<b>116,715</b>	<b>57,416</b>	<b>59,299</b>
Municipio El Seibo	94,179	46,339	47,840
Municipio Miches	22,536	11,077	11,459
<b>Provincia La Altagracia</b>	<b>193,506</b>	<b>96,402</b>	<b>97,104</b>
Municipio Higüey	176,650	87,787	88,863
Municipio San Rafael del Yuma	16,856	8,615	8,241
<b>Provincia La Romana</b>	<b>190,667</b>	<b>94,748</b>	<b>95,919</b>
Municipio La Romana	148,139	73,291	74,848
Municipio Guaymate	12,828	6,408	6,420
Municipio Villa Hermosa	29,700	15,049	14,651
<b>Región Higuamo</b>	<b>629,531</b>	<b>310,570</b>	<b>318,961</b>
<b>Provincia San Pedro de Macorís</b>	<b>274,655</b>	<b>135,575</b>	<b>139,080</b>
Municipio San Pedro de Macorís	188,449	92,633	95,816
Municipio Los Llanos	27,896	13,955	13,941
Municipio Ramón Santana	8,919	4,400	4,519
Municipio Consuelo	23,675	11,781	11,894
Municipio Quisqueya	16,918	8,381	8,537
Municipio Guayacanes	8,798	4,425	4,373
<b>Provincia Monte Plata</b>	<b>240,373</b>	<b>118,833</b>	<b>121,540</b>
Municipio Monte Plata	63,259	30,923	32,336
Municipio Bayaguana	40,275	20,023	20,252
Municipio Sabana Grande de Boyá	37,403	18,593	18,810
Municipio Yamasá	80,032	39,232	40,800
Municipio Peralvillo	19,404	10,062	9,342
<b>Provincia Hato Mayor</b>	<b>114,503</b>	<b>56,162</b>	<b>58,341</b>
Municipio Hato Mayor	85,745	42,117	43,628
Municipio Sabana de la Mar	21,433	10,382	11,051
Municipio El Valle	7,325	3,663	3,662
<b>No declarado</b>	<b>206,220</b>	<b>101,111</b>	<b>105,109</b>

### 3. Economic indicators

6. Over the last twenty years, the Dominican Republic has established itself as one of the fastest growing economies in the Americas. During the last two years, according to official data, the percentage of Dominicans living in poverty (with a daily income of around 152 Dominican pesos) dropped considerably, from 36.4 per cent in 2014 to 30.5 per cent in 2016. Social spending, however, is low in comparison with the rest of the region; on average, the Dominican Republic spends 1.6 per cent of GDP on health compared with the regional average of 4.5 per cent. Potable water and electricity utilities are unreliable and of poor quality, affecting drivers of growth such as tourism, agriculture and manufacturing. Nevertheless, according to the World Bank Group's Doing Business report for 2017, the country made getting an electricity connection faster and paying taxes less costly.

7. The main economic indicators for 2015 were as follows:

GDP at current prices (millions of dollars)	67 360
Per capita GDP (dollars)	6 736
Real rate of variation (percentage)	7
Inflation (annual average percentage)	2.3
Central Bank intervention interest rates (annual average percentage)	5
Unemployment (5)	14
Public deficit (percentage of GDP)	-4.5 (1)
Public debt (percentage of GDP)	48 (1)
Goods exports (millions of dollars)	9 672
Annual rate of variation	-2.5
Goods imports (millions of dollars)	16 907
Annual rate of variation	-2.2
Balance of trade (millions of dollars)	-7 235
In percentage of GDP	-10.7
Current account balance (millions of dollars)	-1 288
In percentage of GDP	-1.9
External debt (*) (millions of dollars)	N.A.
Service of the public external debt (**) (millions of dollars)	6 154
International reserves (millions of dollars)	5 266
Foreign direct investment (millions of dollars)	2 293
Dollar exchange rate, annual average	45.09

8. Over the last ten years, the Dominican production system has gone through a gradual change as a result of which the services sector is now predominant (62 per cent of GDP). The primary sector (agriculture and livestock) accounts for a very low percentage of GDP (5.8 per cent), while construction (5.1 per cent), hospitality (7.5 per cent) and tourism-related activities (15 per cent) have become the main pillars of the Dominican economy. Between 2014 and 2015, the hotel industry added 1,013 new rooms and renovated another 2,700; 1,600 rooms are under construction, and 3,000 have been authorized, demonstrating the vitality and prospects of the sector as a generator of jobs and foreign exchange. Construction was the mainstay of growth in 2015, although the extended boom left a large number of vacant dwellings in the capital city and some coastal areas. The 60-plus free zones and special border zones play a major role in the manufacturing sector. These areas, 78 per cent of which are owned by foreign capital, represent a cumulative investment of almost 4,000 M\$; they provide 153,342 jobs and generate 53 per cent of the country's exports. In terms of final destination of GDP for the last set published, the main item was private consumption (73.1 per cent), which was six times higher than public consumption (12.7 per cent). Gross investment accounted for 20.1 per cent; within that category, the public sector accounted for less than 3 per cent of GDP. Exports added 23.9 per cent and imports subtracted -29.8 per cent. Thus, the openness of the economy is average. From the

standpoint of economic actors, micro, small and medium-sized enterprises accounted for 38.6 per cent of GDP (791,000). Of these, 19,000 are small and medium-sized businesses. Slightly over 100 companies are classified as large enterprises by PROINDUSTRIA.

**(A) Generating sectors**

<b>Agriculture</b>	<b>5.8%</b>
Agriculture	3.7%
Livestock, forestry and fisheries	2.1%
<b>Industry</b>	<b>25.0%</b>
Mining	1.6%
Manufacturing	14.4%
Construction	5.1%
<b>Services</b>	<b>62.1%</b>
Commerce	9%
Hotels, catering and refurbishment	7.5%
Transport	9%
Communications	1.6%
Energy and water	1.7%
Finance	3.8%
Housing rentals	8.8%
Education	4.5%
Health	2.8%
Public administration	4.9%
<b>Tax on production</b>	<b>7.1%</b>

**(B) Destination-use**

Consumption	85.8%
Private consumption	73.1%
Public consumption	12.7%
Gross fixed capital formation	20.1%
Exports (goods and services)	23.9%
Imports (goods and services)	-29.8%

**B. Constitutional, political and legal structure of the State**

9. The main legal and political framework of the country is provided by the Constitution of 2010 (as amended on 13 June 2015), which establishes a democratic, representative and presidential model of government. The State consists of the three classic branches, i.e., executive, legislative and judicial. The executive branch is comprised of the President, the Vice President and the Cabinet, which includes the ministers of State appointed by the President. The President and other authorities at different levels of government are elected in presidential, congressional and municipal elections held every leap year in mid-May. Dominican citizens over 18 years of age are eligible to vote (about 7 million voters). The most recent elections were held on 15 May 2016. President Danilo

Medina was re-elected, and his Partido de la Liberación Dominicana (Dominican Liberation Party) increased its majority in the parliament. Legislative power is exercised by a two-chamber congress made up of the Senate (34 senators) and the Chamber of Deputies (190 deputies). The judiciary is represented by the Supreme Court of Justice and the appeals courts, land courts, trial courts and justices of the peace. From the administrative standpoint, the country has 31 provinces headed by governors appointed by the executive branch, and the National District, consisting of the capital city of Santo Domingo, which is not part of the provincial system and has an elected mayor. The municipalities, including the National District, are governed by city councils presided over by a mayor, who is elected by direct voting every four years, along with the councillors.

10. The country's system of government is that of a representative democracy made up of three powers — the executive, the legislative and the judiciary. The President, Vice President, deputies and city government officials are elected every four years.

### **Structure of the Dominican State**

11. Following is a description of the three main branches of government:

#### **The Executive Branch**

12. The Constitution stipulates that executive power is vested in the President of the Republic, who is to be elected every four years by direct vote. The President may choose to run for a second consecutive constitutional term, but may never again run for the same office or for the office of vice-president of the Republic.

13. The President of the Republic heads the public administration and is the commander in chief of all the armed forces of the Republic, as well as the police forces. Article 55 of the Constitution lays down the duties of the President, which include appointing State officials, enacting laws, establishing customs regulations and ensuring that national revenues are properly collected and conscientiously invested.

14. Article 122 of the Constitution stipulates that executive power is exercised in the name of the people by the President of the Republic in his or her position as head of State and government, in accordance with the Constitution.

15. The President of the Republic is elected every four years by direct vote. He or she may choose to run for a second consecutive constitutional term, but may never again run for the same office or for the office of vice-president of the Republic.

16. The requirements for holding the office of President include the following:

- To be a Dominican citizen by birth or by origin
- To be at least 30 years old
- To be fully competent to exercise his or her civil and political rights
- To not have been or not be serving in the military or the police force for at least three years prior to the presidential election

17. The President of the Republic directs domestic and foreign policy, heads the civil and military administration and is the supreme commander of the armed forces, the national police and other State security corps.

18. As stipulated in the Constitution, the ministries of the Dominican Republic are created by law and are responsible for managing the affairs of government. Each ministry is headed by a minister and has the necessary number of vice-ministers to handle its affairs. The ministers and vice-ministers are appointed by the President of the Republic, and the ministers are members of the central Government Cabinet.

19. The following requirements must be met in order to hold the office of minister or vice-minister: to be a Dominican citizen, be fully competent to exercise his or her civil and political rights and to be at least 25 years of age.

**Ministry of the Presidency**

20. The Ministry of the Presidency was created by Act No. 1124 of 1929 with the name of Secretariat of State of the Presidency. It was charged with coordinating the work of the Cabinet and the Office of the President of the Republic by Act No. 1146, also of 1929.

21. Under the Constitution that was enacted in January 2010, the secretariats of State were renamed as ministries, and the titles of secretaries of State were changed to those of ministers.

22. The Minister of the Presidency serves as an assistant to the President, helping him or her to achieve the objectives set forth in the National Development Strategy and the Plan of Government. The Minister implements actions and projects to which the President assigns priority, working in coordination with the different divisions of government so as to ensure that public policies are implemented with transparency and efficiency, as the basis for a social and democratic State under the rule of law.

23. Duties:

- To coordinate and monitor the activities of agencies or entities that by law are part of the executive branch
- To ensure that all individuals, commissions, offices or institutions that are charged with a mission by the President and are not part of another ministry fulfil their responsibilities
- To monitor faithful compliance with instructions given by the President to the various agencies of public administration
- To keep the President informed about any matter that he or she considers necessary or appropriate in order to ensure the proper fulfilment of the duties of the public administration, autonomous institutions and other decentralized State entities
- To represent the President when so requested
- To carry out any request from the President in connection with any matter
- In addition, the Organic Act on Public Administration, Act No. 247-12, assigns the following duties to the Minister of the Presidency:
  - To serve as Technical Secretary to the Council of Ministers, follow up on the Council's decisions and report periodically to the President on the general status of implementation and results. To coordinate comprehensive evaluations of public management and the outcome of public policies adopted by the executive branch and to report on such matters to the President (art. 22)
  - To serve as one of the bodies in charge of planning, directing, coordinating and implementing the administrative aspects of the State, with responsibility, like other ministries, for formulating, adopting, following up, evaluating and monitoring policies, strategies, general plans, programmes, projects and services in the field of his or her competence (art. 24)
  - To coordinate the preparation of accountability reports (art. 29 (II))
  - To be in charge of cross-cutting, intersectoral or inter-territorial advisory boards, on assignment (art. 35)
  - On matters placed under his or her administrative responsibility, to be in charge of all presidential or inter-agency commissions, as well as the commissioners (art. 36)

### **Administrative Ministry of the Presidency**

24. Act No. 450, of 29 December 1972, created the Secretariat of State of the Presidency, which included the Technical Secretariat of the Presidency and the Administrative Secretariat of the Presidency.

25. In 1982, the Organic Regulations to the Secretariat of the Presidency were adopted by Decree No. 153. The regulations established the organic structure of the Administrative Secretariat and the powers of the Administrative Secretary of the Presidency.

26. Duties. The Administrative Ministry of the Presidency is charged with supervising and coordinating administrative support for all matters falling under the responsibility of the Presidency and for ensuring the smoother operation of the offices concerned. It has the following duties:

- To optimize the allocation of resources from the executive branch to State institutions
- To coordinate the allocation of special contingency funds for different State institutions
- To oversee all accounting operations of agencies working in the National Palace and of agencies that report directly to the Administrative Ministry of the Presidency
- To ensure that information technology support is available for all offices in the National Palace
- To plan and organize activities to be carried out in the Government House, as well as events involving the participation of the President of the Republic, both in the country and abroad
- To manage the TRANSDOC system for transfer of documents
- To submit to the executive branch draft policies and rules on administrative matters designed to improve performance of the Government House
- To direct the correct and effective operation of all administrative services carried out in the Government House
- To develop a human resources management system that will provide the institution with qualified personnel to fulfil the sacred mission of supporting implementation of the institution's activities
- To keep the physical facilities of the Government House in optimum condition
- To preserve the original design of the National Palace during the course of architectural and engineering work
- To carry out programmes involving policies and implementation for provincial governors, municipal mayors and civil society
- To promote relations between the Government and the business sector
- To direct, coordinate and monitor the President's special projects
- To programme, direct and implement humanitarian aid programmes of the Presidency of the Republic

### **Ministry of Defence**

27. The Dominican Armed Forces are governed by the provisions of article 252 of the Constitution, which stipulates that they must be apolitical and non-partisan and obey the legally established civilian authorities.

28. The Armed Forces are under the command of the Minister of Defence, who in turn is directly subordinate to the President of the Republic. Under the Constitution, the President is the supreme commander of the Armed Forces and the National Police.

29. In order to carry out their important mission, the Armed Forces are comprised of three institutions, namely, the Army of the Dominican Republic, which protects and defends the borders on land; the Navy of the Dominican Republic, which protects and

defends the integrity of the nation at sea and on rivers and lakes; and the Air Force of the Dominican Republic, which defends, protects and guards the airspace of the nation.

30. Duties:

- To defend the integrity, sovereignty and independence of the nation
- To enforce the Constitution and the laws
- To maintain public order
- To protect legal traffic, industries and businesses
- To support the legally established authorities and officials in accordance with the laws and regulations governing the military
- To protect individuals and their properties
- To perform the duties of military service entrusted to them by the President of the Republic
- To maintain public order on the coast and in the territorial waters of the country
- To protect traffic and legal maritime industries, enforcing respect for their interests and flags; to combat piracy
- To maintain public order in the country's air space
- To protect legal air traffic, enforcing respect for their interests and flags
- To combat air piracy and violations of the law, of the rules concerning navigation and air commerce and of international treaties

#### **Ministry of the Interior and Police**

31. To provide an administrative structure to support the Government of the new republic and to clearly define the duties of the different sectors, a ministerial hierarchy was created by Act No. 38 of 1844. The hierarchy consisted of four sectors, namely, Justice and Public Instruction, the Interior and Police, Finance and Commerce and War and Maritime Affairs. These divisions were charged with maintaining the established order in public ceremonies. These provisions are set forth in Act No. 38 of 1844.

32. Since its inception, what is now the Ministry of the Interior and Police has had different names, depending on the duties assigned to it. The Constitution of 1844 referred to it as the Secretariat of State of the Interior, Police and Agriculture. Act No. 685 of 1927 referred to it as the Secretariat of State of the Interior and Police, War and Maritime Affairs. In 1938, Act No. 477 eliminated the words War and Maritime Affairs. In 1959, it was called, by Decree No. 5137, Secretariat of State of the Interior and Communications. Decree No. 5406, also of 1959, changed the name to Secretariat of State for the Interior and Religious Affairs.

33. In 1961, it was called Secretariat of State for the Interior and Police. When Decree No. 7312 was issued, the National Police was placed under the former Secretariat of the Interior and Religious Affairs.

34. Act No. 575 of 1965 called it Secretariat of State for the Interior; under Act No. 574, the National Police had been placed under the Organic Regime of the Armed Forces. That same year, with the entry into force of Act No. 22, repealing Act No. 575, the National Police was placed under the Secretariat of State for the Interior, which was then named Secretariat of State for the Interior and Police. Also in that same year, Decree No. 1 placed the Directorate-General of Migration under that Secretariat.

35. Act No. 4378, of 10 February 1956, describes the duties of the Secretariat of State for the Interior and Police. In 1965, the Directorate-General of Migration and National Police were placed under that Secretariat. In 1950, by Act No. 2661, the provincial governorships were placed under the Directorate of the Secretariat for the Interior and Police in order to facilitate communication between the governors' offices and the executive branch.

### **Ministry of Foreign Affairs**

36. The Ministry of Foreign Affairs was created on 4 April 1874. Under the Constitution of 6 November 1844, the only person empowered to manage foreign affairs was the President or, acting on his behalf, one of the four ministries that existed at the time: (a) Justice and Public Instruction, (b) Interior and Police, (c) Finance and Commerce, and (d) War and Maritime Affairs. Prior to the creation of the Secretariat of State for Foreign Affairs, the Dominican Republic had only a minimal diplomatic presence internationally. It engaged in extensive diplomatic activities, however, as it recognized the need for international recognition as a free and independent nation, so as to be able to enter into treaties of peace, friendship and trade to give it moral, political and economic support.

37. The Ministry of Foreign Affairs is a centralized institution of the Dominican State that was created by law in the early days of nationhood. Under Act No. 314, of 6 July 1964, and the regulations thereto, this Ministry is responsible for implementing the country's foreign policy, which is set by the President.

38. Duties:

- To apply and coordinate the foreign policy set by the President or by his Office
- To formulate an institutional strategy that expresses the overall goals and actions of the State's foreign policy, in accordance with its national interests and international obligations
- To coordinate policies and economic and organizational matters in order to create favourable conditions for implementation of the institution's strategic plan
- To plan and execute the annual budget of the institution in accordance with the approved strategic plan
- To evaluate the implementation of foreign policy
- To participate as a full member in all missions representing the country abroad and in commissions and bodies responsible for negotiating, formalizing and regulating international agreements on land, sea and air boundaries
- To recommend and adopt such measures as may be necessary to promote the development and efficiency of the country
- To coordinate with the relevant bodies the drafting of the country's trade policy, trade negotiations and integration schemes
- To negotiate and formalize, with the authorization of the President, international agreements, in coordination with other State institutions
- To represent the State abroad, to deal with all matters pertaining to diplomatic and consular missions accredited in the Republic, and with international organizations and specialized agencies, and to serve as liaison between them and other State institutions
- To monitor, at the national level, compliance with mandates of international agencies to which the Dominican State has an obligation based on agreements, conventions or international instruments that have been signed and ratified
- To defend, promote and protect the interests of the State and its nationals abroad

### **Ministry of Finance**

39. The Ministry of Finance was established on 14 November 1844, nine months after the country became independent and eight days after promulgation of the first Constitution of the Dominican Republic.

40. The institution was initially called the Ministry of Finance and Commerce. The first minister was land surveyor Ricardo Miura, who held the post until 1847.

## 41. Duties:

- To direct the fiscal policy of the Government and its components, i.e., revenue, expenditures and financing, and to guarantee its sustainability over the short, medium and long terms
- To direct the drafting of the general budget of the State and to coordinate its execution, including by programming execution and amendments, as well as evaluation
- To direct the financial administration of the non-financial public sector and related systems, through the budget, treasury, public credit, government accounting, public contracting and management of movable and immovable properties of the State
- To draft and propose legislation on tax and customs and to ensure that they operate in a framework of legality, efficiency and transparency
- To formulate policies to contain spending and improve fiscal results, as well as to improve the efficacy, efficiency and quality of public spending
- To approve policies relating to public contracts for properties, works, services and concessions and to ensure that they are implemented properly and with transparency
- To regulate and lead processes pertaining to authorization, negotiation and contracting for loans or issuance and placement of bonds and securities, as well as to direct and supervise the service of the public debt
- To draft and publish periodically the consolidated budget and financial and economic statements of the Central Government and other institutions covered by the General Budget of the State
- To order and grant gambling licenses, e.g., for the national lottery, drawings, charity raffles, casinos and gambling establishments, slot machines and other electronic games, bingo games and similar activities, and to enforce the regulations for those activities

**Ministry of Industry, Commerce and Micro, Small and Medium-sized Enterprises**

42. The Ministry of Industry, Commerce and Micro, Small and Medium-sized Enterprises was established at the very beginning of the Republic. The first Constitution, adopted in 1844, created four secretariats within the executive branch, one of them being the Secretariat of Finance and Commerce.

## 43. Duties:

- To formulate the industrial policy of the country in accordance with the guidelines, general plans and priorities of the Central Government. The Ministry defines development and promotional strategies for the industrial sector, supervises their implementation and enforces the relevant rules, provisions and regulations
- To follow up on businesses that benefitted from now-repealed Act No. 409, on incentives to agro-industry, and monitor the process of eliminating those benefits
- To authorize the start of activities and the operation of bonded warehouses
- To issue letters of non-objection for the construction and remodelling of civil works for industrial purposes
- Through the Council on Export Free Zones, to promote foreign and national investment in the industrial free-trade zones, promoting the incorporation of new parks and businesses
- Through the National Industrial Property Office, to administer the industrial property system by applying Act No. 20-00, monitoring registration of trade names, trademarks and brands, invention patents, utility models, industrial designs and distinctive marks
- Through the Dominican Institute for Quality

- To promote and facilitate the extension and development of a culture of total quality in the manufacturing and services sectors
- In compliance with international standards, to draw up the Dominican technical standards required by national industry, commerce and services and to enforce their application, granting the seal of quality to enterprises that meet the requirements for those standards
- To evaluate compliance in the area of metrology, checking measurement devices and scales (weights and measures) in petrol stations, LPG production plants, supermarkets, markets and grocery stores
- To establish the country's domestic trade policy, except in regard to sugar and agricultural products
- To plan the development of domestic trade
- To promote domestic trade, in accordance with the country's trade policy
- To monitor compliance with the domestic trade policy
- To maintain the national registry of persons engaged in trade
- To authorize the installation and location of commercial establishments, in accordance with domestic development programmes
- To set and enforce rules to guarantee free competition and price levels
- To monitor production costs of goods and services, except sugar and agricultural products
- To determine and monitor goods marketing systems, except sugar and agricultural products
- To monitor compliance with the legislation and rules for domestic trade
- To formulate policies relating to the fuel market. To monitor and supervise the application of those policies and compliance with the standards, regulations and provisions governing that market
- To calculate, using approved parity price formulas for fuel imports and international reference prices, the local prices that should be applied on the domestic market, and to keep citizens informed through the mass media
- Through the Directorate of Hydrocarbons, to receive, analyse and recommend, prior to their being placed in service, all applications for the importation, storage, production, packaging, refining, purification, mixing, processing, transformation, transport, distribution and marketing of hydrocarbons, verifying that they meet the applicable technical and quality standards and bearing in mind the rules for preservation and protection of the environment
- To set policies designed to support, promote, strengthen and develop the sector
- To coordinate the implementation, through the Micro, Small and Medium-sized Enterprises Programme, of strategies and actions designed to promote and facilitate the creation, management, operation, development and sustained growth of micro, small and medium-sized enterprises through financing, training and technical assistance
- To set policy for the development of national maritime transport
- To grant licenses to shipping companies based in the country to operate in national ports
- To enforce the provisions set forth in international agreements regarding maritime transport
- To register and monitor naval mortgages

**Ministry of Economic Affairs, Planning and Development**

44. The Ministry of Economic Affairs, Planning and Development was created in 2006 as the Secretariat of State for Economic Affairs, Planning and Development by Act No. 496-06. Its name was changed to Ministry by Decree No. 56-10, of 6 February 2010. This was the result of far-reaching changes in the public administration that arose from the need to modernize the State and coordinate implementation of the planning system with other cross-cutting systems of the State, such as budgeting, government accounting, treasury, public credit, human resources management, internal controls, administration of national goods and procurement and contracts. This coordination effort is designed to ensure development with economic, social, territorial and administrative unity.

45. The National Planning and Public Investment System was created by law along with the Ministry of Economic Affairs, Planning and Development. The Ministry of Economic Affairs, Planning and Development is the lead agency for the sector and is therefore responsible for planning harmonious growth of the country.

46. Duties:

- To maintain stability and macroeconomic growth
- To consolidate democratic governance by strengthening the institutions of the public administration
- To improve the competitiveness of the country's economy at the national and international levels and to achieve greater social equity for society as a whole

**Ministry of Education**

47. The Ministry of Education was created by Act No. 786, of 30 November 1934, as the Secretariat of State for Education and Fine Arts.

48. Responsibility for religious affairs that had formerly been assigned to the Secretariat of State for Foreign Affairs was transferred to the Secretariat of State for Education by Decree No. 16, of 4 September, 1965, and the name of the latter was changed to Secretariat of State for Education, Fine Arts and Religious Affairs. From 1951 until mid-1997, the Secretariat was governed by Organic Act No. 29-09, of 5 June 1951, which regulated the Dominican educational system until 1997.

49. Duties:

- To promote, establish, organize, direct and support educational, scientific, technological, cultural and artistic services, in accordance with national needs
- To promote ongoing training of individuals as needed for comprehensive, individual and collective development
- To strengthen and improve the teaching of science and technology at all levels of education, providing training to improve their application and to prevent a negative impact on people and on the environment
- To strengthen the interaction of the social sciences, humanities, philosophy and the arts, with the exact and natural sciences in the culture as a whole and from the perspective of human development
- To strengthen national systems for the collection, treatment and dissemination of information on the humanities, science and technology
- To guarantee the free circulation and balanced dissemination of scientific and technological information
- To promote and strengthen research programmes in science, technology and education in close collaboration with national and international, governmental and non-governmental institutions
- To promote training and information on natural risks from different sources and how to evaluate them and attenuate their effects, among other things

### **Ministry of Health and Social Welfare**

50. On 1 January 1920, the Military Government of Santo Domingo issued Executive Order No. 338 (Health Act) creating the Secretariat of Health and Welfare to deal with all matters pertaining to public health and hygiene.

51. The Secretariat of State for Public Health and the Secretariat of State for Social Welfare were merged into a single Secretariat of State for Health and Social Welfare by Decree No. 2786 of 1957. The name was changed to Secretariat of State for Public Health and Social Welfare by Act No. 175 of 1967. Subsequently, the General Health Act, No. 42-01 of 2001, designated the Secretariat of State for Public Health and Social Welfare as the lead agency for the National Health System and charged it with formulating a policy and a national health plan.

52. The name of the Secretariat of State was temporarily changed to that of Ministry by Decree No. 56-10, of February 2010, in anticipation of the formal creation of the ministries called for by the Constitution. The name of the Secretariat of State for Public Health and Social Welfare was changed to Ministry of Public Health and Social Welfare by Decree No. 74-10.

53. Duties:

- To design and implement policies in the health sector
- To promote implementation of the principles enshrined in the General Health Act
- To guarantee the rights of patients to understandable and truthful information on their case and on the status of their health
- To ensure that patients receive quality care provided in a timely and compassionate manner, with respect for their cultural background and their human and civil rights enshrined in the Constitution
- To ensure that all the people, companies or institutions that belong to or have a relationship with the National Health System and related areas meet the criteria of bioethics and that they always respect the personal situation and human dignity of individuals, in accordance with international agreements ratified by the Dominican Republic and with the domestic legislation currently in force
- To coordinate the proper application and development of available resources for which the Ministry of Health is responsible
- To draw up measures, rules and procedures for carrying out the duties assigned to it by the relevant laws, regulations and other provisions in order to protect the health of the people
- To promote interest in health among individuals, families and society through appropriate and comprehensive education on the subject, as a basis for the country's health policies
- To create the necessary conditions to ensure that the population has adequate access to health
- To coordinate the operations of agencies that work with the Ministry of Health
- To promote the actions needed for the functional rehabilitation of patients
- To identify priority groups among the population and the problems that require more public investment as part of the national health policy

### **Ministry of the Environment and Natural Resources**

54. This ministry was created in 2000 by Act No. 64-00 to establish regulations pertaining to the conservation, protection, improvement and restoration of the country's environment and natural resources, so as to ensure their sustainable development. The Act transferred to the Secretariat of the Environment and Natural Resources several State agencies concerned with protecting and conserving the environment and natural resources, as well as the National Zoo, the Botanical Garden, the National Aquarium, the National

Museum of Natural History and the National Institute of Water Resources. The Act also created the directing councils of those institutions.

55. Duties:

- To draw up the national policy on the environment and natural resources of the country
- To implement and monitor the national policy on the environment and natural resources
- To administer the natural resources under State control that have been assigned to it
- To ensure the preservation, protection and sustainable use of the environment and natural resources
- To seek to gradually improve management, administration and regulations relating to pollution of soil, air and water so as to promote conservation and improve environmental quality
- To ensure that exploitation and exploration of mining resources is carried out without irreparable damage to the environment or to human health, to stop work on mining activities when it considers, on the basis of scientific studies, that such work might endanger human health and cause irreparable damage to the environment or to ecosystems that are unique or indispensable to human health, and to guarantee the restoration of ecological damage and compensation for economic damages caused by mining activities
- To monitor and enforce the rules regarding conservation, use and research of coastal and marine ecosystems and resources and of wetlands
- To promote and ensure the conservation and sustainable use of forest resources and enforce the State's policy and regulations for the use of forests
- To draft new regulations, review the existing ones and monitor the implementation of legislation in order to ensure the conservation and sustainable use of natural resources and improve the quality of the environment
- To orient, promote and encourage private institutions, community and non-governmental organizations to carry out their activities for the preservation, restoration, conservation and sustainable use of the environment and the protection of natural resources, and to encourage them to follow existing policies, objectives and goals on the environment and natural resources
- To encourage civil society and community organizations to be involved in plans, programmes and projects aimed at preserving and improving the environment
- To draw up and enforce regulations for conservation, preservation and management of protected areas and wildlife
- To collaborate with the Secretariat of State for Education in drawing up educational plans and programmes concerning the environment and natural resources that are to be applied at different levels of the national education system, and to work with the Secretariat of Education on dissemination and non-formal education programmes
- To establish mechanisms for ensuring that the private sector adjusts its activities to be in line with the sectoral policies and goals envisaged
- To study and evaluate the economic cost of deterioration of the environment and natural resources, so that it will be included in operating costs and taken into account in the national accounts
- To establish the National System of Information on the Environment and Natural Resources; draw up, organize and update an inventory of the biodiversity of national genetic resources, and to design and implement the national strategy for conservation of biodiversity
- To monitor and prevent environmental pollution at the source, establish environmental standards and general regulations that must be complied with by human settlements, mining, industrial, transport and tourism activities and in

general, any service or activity that might directly or indirectly harm the environment

- To promote the inclusion in the national planning system of the environmental dimension and the sustainable use of natural resources
- To evaluate, follow up and supervise control of environmental risk factors and factors that might play a part in natural disasters and to implement, either directly or in coordination with other institutions, actions aimed at preventing an emergency or keeping its effects from spreading
- To propose to the executive branch the country's positions in international negotiations on environmental issues and on its participation in international conferences and agreements; to propose the signature and ratification of agreements; to serve as the focal point for such matters and to represent the country in international environmental forums and agencies, in coordination with the Secretariat of State for Foreign Affairs.

### **Ministry of Agriculture**

56. The Ministry of Agriculture was established in the Constitution of 25 February 1854 as the Secretariat of State for the Interior, Police and Agriculture.

57. It was renamed Secretariat of State for Agriculture in 1961 by Decree No. 6603. After the Constitution was amended in 2010 and pursuant to Decree No. 56-10 of 8 February 2010, which entered into force in October 2011, its name was changed to Ministry of Agriculture.

58. Duties:

- To formulate and direct agricultural policy as a whole in line with the country's general development plans
- In collaboration with the National Planning and Coordination Board, to study the agricultural situation of the country and submit a long- and short-term overall agricultural plan to the Government
- To coordinate short- and long-term programmes of agencies concerned with the agriculture sector
- To adopt the annual budgets of agencies concerned with the agriculture sector
- To study the economic and social aspects of the production, distribution and consumption of agricultural products
- To preserve and increase renewable natural resources, regulate their use and promote a rational approach to their utilization
- To rationalize land use in accordance with the law and technical know-how
- To promote improvement of agricultural technology and to train professional and non-professional staff
- To approve and supervise the curricula of vocational agriculture schools
- To provide technical assistance and make recommendations on credit policy
- To prevent and control animal and plant pests and diseases
- To promote and conduct scientific research in the field of agriculture
- To promote agricultural production
- To study the potential for export and substitution of imports of agricultural products and formulate policies in that regard
- To consider all matters related to the agricultural development of the nation
- To regulate the conservation of water
- To collaborate with the agency concerned regarding the use and distribution of irrigation waters

- To make recommendations on the development of areas that are suitable for irrigation
- To determine and inform the agencies concerned about priorities for construction of local roads
- To conduct studies on markets for agricultural products and propose necessary regulations and measures
- To establish and standardize throughout the country a system of weights and measures for marketing of agricultural products
- To make recommendations and monitor the quality of poultry and livestock feed
- To make recommendation on pricing and on tax exemptions for agricultural products and equipment and to monitor quality
- To promote, collect and disseminate agricultural and climate research throughout the national territory
- To cooperate in all matters pertaining to international conferences and meetings on the aforementioned subjects and enforce related contracts or agreements that have been ratified by the national Government

### **Ministry of Public Works and Communications**

59. The history of the Ministry of Public Works and Communications goes back to 1854 with the creation of the Secretariat of State for War, Maritime Affairs and Public Works. At the end of that same year, that ministry was eliminated by an amendment to the Constitution. It was revived in 1887 as the Ministry of Development and Public Works. Up to then, it had been part of the Ministry of Justice, Public Instruction and Development.

60. In 1959, it was called the Secretariat of State for Public Works and Communications. On 8 February 2010, the executive branch issued Decree No. 56-10, changing the names of the secretariats of State to ministries. Thus, the Secretariat of State for Public Works and Communications became the Ministry of Public Works and Communications.

61. Duties:

- To build, expand, repair and maintain transport infrastructure works
- To study, design, build and improve port works
- To organize, monitor, coordinate and plan surface traffic throughout the nation
- To establish rules and identify dangerous conditions in the design and construction of engineering and architectural works
- To monitor the quality of construction materials manufactured in the country and abroad
- To conduct socioeconomic and technical studies for the development of plans and programmes for construction, reconstruction, restoration and repair of projects
- To design and establish regulations to govern construction activities in general
- To plan, schedule and conduct socioeconomic and technical studies on road projects and buildings needed to ensure the development of adequate land, sea and air communication networks throughout the national territory
- To guarantee quality in the completion of engineering and architectural works by analysing, evaluating and supervising construction blueprints and budgets and technical qualifications of the personnel involved in the activity
- To monitor and oversee public works that are under way in order to ensure that they comply with established rules and regulations for construction, and that the works meet specifications laid down in contracts
- To encourage stakeholders in the construction sector to participate in competitive bidding and drawings for execution of works

- To monitor the quality and quantity of materials used in road works and buildings by conducting analyses to ensure that they comply with established technical specifications
- To plan and coordinate activities pertaining to regulation and normalization of surface traffic in the country
- To maintain networks of roadways throughout the country to ensure that communication by land is safe and effective throughout the country
- To carry out an adequate maintenance programme in order to guarantee that public buildings are suitable for operations
- To establish, supervise and monitor the national toll system in order to ensure that resources are available for road maintenance

### **Ministry of Tourism**

62. Tourism activities began formally in 1931 with the enactment of Act No. 103, on automobiles for tourists. However, it was not until the promulgation of Act No. 4378, of 30 November 1934, on secretariats of State, that a system was set up to direct and organize tourism activities.

63. The Organic Act on Tourism (Act No. 541) was promulgated in 1969. It created the National Directorate of Tourism within the executive branch as the regulatory agency for the sector.

64. Act No. 84 of 1979 provided for the National Directorate of Tourism and Information to become a secretariat of State, thus elevating the lead agency for the tourism sector to the highest level.

65. Duties:

- To plan, programme, organize, direct, promote, coordinate and evaluate the activities of the tourism industry in line with the national objectives, goals and policies laid down by the executive branch
- To identify and oversee the poles of tourism development in the country and guide projects to be carried out
- In accordance with applicable regulations, to guide the design and construction of all infrastructure works needed for development of tourism projects
- Working through the Hotel and Tourism Development Corporation, to coordinate all activities aimed at development of the hotel industry
- To authorize, regulate, supervise and monitor the work of tourism services such as travel agencies, tourist guides, hotels and restaurants, bars and all businesses and individuals that provide services for tourists
- To increase tourism production in the country by promoting construction, financing, improvement and conservation of businesses in the sector
- To coordinate the work of all State agencies involved in tourism in order to achieve the optimum results in terms of service and protection or facilitation of the sector

### **Ministry of Higher Education, Science and Technology**

66. The Ministry of Higher Education, Science and Technology, a part of the executive branch, is in charge of higher education, science and technology. It is responsible for promoting, regulating and administering the national system of higher education, science and technology. It oversees implementation of Act No. 139-01, on Higher Education, Science and Technology, and the policies of the executive branch.

67. This ministry is responsible for supervising the entire system, enforcing policies, evaluating all bodies in the system and coordinating their work. It works through the offices of the deputy ministers of higher education and of science and technology, bearing in mind studies conducted by the different units and the decisions of the National Council on Higher Education, Science and Technology. With the assistance of the Council and related

technical entities, it works to ensure the quality of higher education, develop scientific and technological research and decide on the opening or closing of institutions belonging to the System.

### **Ministry of Labour**

68. The Ministry of Labour was created by Act No. 16-82, of 20 April 1948, as the official lead agency for the country's labour policy.

69. The Ministry of Labour is the highest administrative authority for wage earners in the private sector and the autonomous public agencies.

70. Duties:

- To enforce the Constitution and the labour laws and regulations
- To direct formulation of the national jobs policy
- To disseminate the domestic legislation currently in force
- To implement projects and programmes that help improve social and working conditions for the population
- To monitor and oversee implementation of health and industrial safety regulations
- To offer legal assistance for the benefit of employers and workers who do not have the means to exercise their rights as plaintiffs or defendants
- To promote programmes designed to inform, guide and promote the work of persons with disabilities, in order to facilitate their integration into production activities
- To coordinate and implement specific projects to combat child labour

### **Ministry of Culture**

71. The Presidential Council on Culture was created in 1997 by Executive Decree No. 82-97. The Council worked arduously to systematize and consolidate cultural activities in the public and private sectors.

72. The Secretariat of State for Culture\* was created by Act No. 41-00, of 28 June 2000, as a high-level entity in charge of coordinating the national system of culture. Under the Act, all State cultural institutions were placed directly under the Secretariat of State for Culture.

73. It is also responsible for implementing and putting underway policies, plans, programmes and projects aimed at promoting cultural development.

74. Duties:

- To ensure the full and free enjoyment by all Dominicans of their cultural rights which are enshrined in the Constitution and other laws and supplementary regulations.
- To appreciate that the promotion and participation of all citizens in cultural activity contributes to the overall improvement of quality of life, participation and growth of democracy and full human development.
- To understand that culture is one of the main means available to a nation for addressing poverty and ignorance and combatting the prevailing nihilism of our age. That is why we feel that the State should begin its regulatory action by building a new model of citizenship, i.e., cultural citizenship.
- To consider that investing in the national culture is of priority importance for the harmonious growth of the nation and its citizens. We therefore recognize that investing in culture is a way to combat poverty; promoting culture is one of the most productive ways to combat poverty in all its manifestations, especially the spiritual aspect.
- To advocate for the adoption of cultural policies that are governed by a code of values and behaviour that is consistent with transparency, efficiency in service to

citizens, austerity, team work, inclusion, decentralization, respect for minorities and dissidents. This must be reflected in an equitable distribution of the budget for cultural activities throughout the national territory.

### **Ministry of Sports and Recreation**

75. The Ministry of Sports was created by Act No. 97 of 1974. Article 22 of the Sports Act (Act No. 356-05) stipulates that all official sports programmes are to be under the Ministry of Sports and Recreation, which is responsible for organizing, directing, regulating and implementing all sporting and recreational activities in the country, of any kind, and contributing, in agreement with the Ministry of Education, to the development of national physical education and sports programmes.

76. The Ministry of Sports and Recreation is part of the executive branch. It has administrative autonomy, legal standing and assets of its own. It is responsible at the national level for most public policies on sports.

77. Duties:

- To consider on a yearly basis the strategy and general objectives of sports, by means of a national plan for sports development
- To adopt programmes for construction of sporting facilities of the public sector, the amount of which must not exceed six one-thousandths of the annual budget of the Ministry of Sports
- To consider the draft annual budget for the sports sector and consider and adopt the prior year's reports and statements to be submitted by the President to the National Congress on 27 February of each year
- To authorize all contracts signed on behalf of the organizing committee for the National Games
- To recommend the venue for the National Games and propose appointments, changes and removal of members of the Games organizing committee

### **Ministry of Women's Affairs**

78. The Ministry of Women's Affairs is the successor to the Directorate for Promotion of Women, which was created by Decree No. 46, of 17 August 1982, as a unit of the Office of the President of the Republic. The Secretariat of State for Women's Affairs was created by Act No. 86-99, of 11 August 1999, bearing in mind the need for a State agency to direct, rationalize and coordinate efforts to promote gender equality and equity in the existing government institutions and to coordinate efforts with civil society institutions.

79. Duties:

- To define rules and policies and establish the mechanisms necessary to operationalize the State's commitment to the elimination of all forms of discrimination against women
- To coordinate with public agencies and civil society the formulation and implementation of a national gender equality and equity plan
- To coordinate and implement jointly with other State agencies measures designed to ensure that sectoral policies, programmes and projects include criteria of gender equity
- To evaluate policies in terms of their impact on women and to work to ensure that corrective action is taken when necessary
- To coordinate and take measures involving different sectors and in conjunction with civil society to promote compliance with international agreements and commitments signed by the country with a view to creating conditions conducive to empowering women in society in all aspects of public and private life, through full participation, on an equal footing, in decision making in economic, social, cultural and political affairs

- To monitor, evaluate and report to national and international bodies the progress made and obstacles encountered by the country in fulfilling the aforementioned international agreements and commitments
- To make recommendations and coordinate efforts to ensure that sectoral plans, policies and strategies incorporate the necessary adjustments so as to comply with international agreements and commitments on gender equality and equity
- To take steps to obtain international resources to support the development of plans, programmes and projects of government and civil society aimed at achieving gender equity
- To promote changes in attitudes, values and behaviour that will encourage the development of equitable relations between women and men at the level of individuals, couples, families and communities, through the use of education and communications media
- To train, sensitize and inform different government agencies and civil society organizations regarding the situation and status of Dominican women
- To open up opportunities for building consensus and coordinating actions between the Ministry of Women's Affairs and civil society agencies in order to promote gender equity in political participation, modernization, poverty eradication, violence, education, culture, work and health
- To promote linkages and agreements between the Ministry of Women's Affairs and other State agencies and civil society organizations with a view to joining efforts and expanding prospects for development policies and their implementation, as well as any action that is in the common interest

### **Ministry of Youth**

80. In 1985, a committee was set up to plan activities to be carried out in the country for the year declared by the United Nations as International Youth Year: Participation, Development, Peace. In that regard, the Directorate-General for Promotion of Youth was created by Decree No. 2981, of 21 May 1985.

81. Act No. 49-00, known as the General Act on Youth, was adopted on 26 July 2000. The Secretariat of State for Youth was created by this act.

### **The Legislative Branch**

82. Title III of the Constitution describes clearly and in detail the organizational structure and duties of the legislative branch. It also describes the powers of the Senate and the Chamber of Deputies, both when they act separately and when they meet jointly as the National Assembly. The legislative branch is made up of the Senate and the Chamber of Deputies; the members of both bodies are elected by direct vote. The two chambers together make up the Congress of the Republic (art. 76).

83. At present (the 2010-2016 term) there are 32 senators, one for each province of the country and one for the National District (art. 78). There are 179 provincial deputies, one for every 50,000 inhabitants or fraction of more than 25,000. There must be at least two deputies for each province (art. 81). In addition to the provincial deputies, there are five national deputies and seven deputies representing Dominicans abroad, for a total of 191 deputies.

84. The legislative branch is responsible for proposing and drafting legislation. Once a law is adopted, it is sent to the executive branch, which promulgates it. The legislature also appoints judges of the Central Electoral Board and members of the Chamber of Accounts. The legislative branch is also responsible for ratifying international agreements and domestic contracts with foreign agencies that are signed by the executive branch. The main political parties of the country are represented in the legislature.

## The Judiciary

85. As provided in the Constitution and the legislation, the third branch of Government is responsible for administering justice through its hierarchy of special bodies called courts. The courts are responsible for protecting and guaranteeing the rights established in the legislation. The court system as a whole makes up the judiciary.

86. The basic structure of the judiciary is governed by the Constitution (arts. 63-77) and by the Organic Act on the Judiciary (Act No. 821 of 21 November 1927 and amendments thereto). The operation of the courts is governed by the following: the Code of Civil Procedures, the Code of Criminal Procedures, the Labour Code, the Tax Code, the Code on Children and Adolescents, the Cassation Procedures Act, the Land Registry Act, Act No. 327-98 on the Judicial Profession and Act No. 46-97, on the Budgetary Autonomy of the Legislative Branch and the Judiciary.

87. The judiciary is independent from the other branches of Government. It has administrative and budgetary autonomy, but the amount of its budget is assigned to it every year by the legislature in the Public Expenditures Act.

88. The work of the judiciary is carried out by the Supreme Court of Justice and other courts in the system that have been created by the Constitution and the laws.

89. The Supreme Court of Justice has administrative and budgetary autonomy. It is made up of 16 judges appointed by the National Council of the Judiciary, including the president and the first and second alternates. Among others, it has the following powers and duties:

- To consider, as the single level of jurisdiction, all criminal proceedings brought against the President and the Vice-President of the Republic; senators and deputies; judges of the Supreme Court of Justice and the Constitutional Court; ministers and deputy ministers; the Attorney-General of the Republic; judges and general prosecutors of appeals or equivalent courts; judges of the superior land courts, of superior administrative courts and of the Superior Electoral Tribunal ; the Ombudsman; members of the diplomatic corps and heads of missions accredited abroad; and members of the Central Electoral Board, the Chamber of Accounts and the Monetary Board
- To consider appeals in cassation, in accordance with the law
- To consider, as the final recourse, cases that are considered in the first instance by appeals and equivalent courts
- Pursuant to the Act on the Judicial Profession, to appoint judges of appeals or equivalent courts, of courts of the first instance or equivalent courts, investigating judges, justices of the peace and their alternates and judges of any other courts in the judiciary that may be created by the Constitution and by law

90. The Council of the Judiciary is the permanent administrative and disciplinary body of the judiciary. It is made up of the President of the Supreme Court of Justice, who presides over it, a judge of the Supreme Court of Justice, an appeals court judge, a trial court judge and a justice of the peace. It has the following duties:

- To submit to the plenary of the Supreme Court of Justice the names of candidates for appointment and to decide on the rank and promotion of judges of the different courts, as required by law
- To manage the finances and the budget of the judiciary
- To exercise disciplinary oversight of judges, officials and employees of the judiciary, except for the members of the Supreme Court of Justice
- To apply and implement tools for evaluating the performance of judges and administrative staff of the judiciary
- To transfer judges in the judiciary
- To create administrative posts in the judiciary
- To appoint all officials and employees in the judiciary

- Other duties that may be conferred on it by law

91. In addition to the three main branches, the government structure also includes a number of independent oversight bodies.

#### **Central Electoral Board**

92. The Central Electoral Board is an independent body with legal standing and technical, administrative, budgetary and financial autonomy. Its main purpose is to organize and preside over electoral assemblies and mechanisms of popular participation that have been established by the Constitution and the laws. It is empowered to enforce regulations in areas that fall within its sphere of competence.

#### **Superior Electoral Tribunal**

93. The Superior Electoral Tribunal is competent to judge and issue final decisions on contentious electoral matters and to rule on disputes within political parties, groupings and movements or among such groups.

#### **Constitutional Tribunal**

94. The Constitutional Tribunal guarantees the supremacy of the Constitution, defends the constitutional order and protects fundamental rights. Its decisions are final and irrevocable and set binding precedent for the branches of government and for all State agencies. It has administrative and budgetary autonomy.

#### **Public Defender Service**

95. The Public Defender Service is a body within the justice system that has administrative and functional autonomy. Its purpose is to guarantee effective protection of the fundamental right to defence in the areas of its competence. Its services must be accessible and free throughout the national territory, ensuring equality, efficiency and quality for defendants who for one reason or another do not have the services of an attorney.

#### **Ombudsman's Office**

96. The Ombudsman's Office is an independent authority, and has administrative and budgetary autonomy. It is answerable only to the Constitution and the laws. Its essential function is to help safeguard the fundamental rights of individuals and the collective and diffuse interests established in the Constitution and the laws whenever they are violated by public officials or bodies, by providers of public services or by private persons, affecting collective and diffuse interests.

#### **Chamber of Accounts**

97. The Chamber of Accounts is the external high-level body that exercises fiscal oversight of public resources, administrative processes and State assets. It is a technical body with legal standing and administrative, operational and budgetary autonomy.

### **C. Mechanisms of participation**

98. Article 97 of the amended Constitution of 2010 provides for referendums to be held as an innovative way for the population to be involved in legislating. Under this provision, a number of citizens comprised of no fewer than 2 per cent of the registered voters may propose draft legislation to the National Congress.

99. The amended Constitution of 2010 also established innovative mechanisms for social participation in policymaking at the municipal level. Article 203 provides that the Organic Act on Local Administration will establish the scope, requirements and conditions for carrying out municipal referendums, plebiscites and initiatives in order to strengthen the development of democracy and local management. Article 206 provides that municipal

resources must be invested through the progressive development of participatory budgets, encouraging citizens to be involved in and share responsibility for defining, implementing and monitoring local development policies.

100. A consultative body of the executive branch was established to deal with economic, social and labour matters. Consensus building is an essential tool for enabling employers, workers and other organizations of society to participate in an organized manner in building and strengthening a lasting social peace. To this end, an economic and social council will be set up as a consultative body of the executive branch to deal with economic, social and labour matters; its organization and operation are to be established by law (art. 251).

101. Finally, articles 210 and 272 of the Constitution provide for referendums and endorsement referendums on matters requiring consultations with the people and proposals to amend the Constitution.

102. In 2000, the following legal mechanisms (laws, decrees and regulations) were created to allow for citizen participation:

- Act No. 19-01, on the Ombudsman's Office
- Decree No. 38-03, on social auditing of non-governmental organizations, a mechanism for the community to protect social spending
- Act No. 200-04, General Act on Free Access to Public Information
- Act No. 122-05, on Regulation and Development of Non-Profit Associations in the Dominican Republic
- Index to Regulation No. 40-08, of 16 January 2008, on Implementation of Act No. 122-05, on Regulation and Development of Non-Profit Associations in the Dominican Republic
- Act No. 340-06, on Procurement and Contracting for Goods, Services, Works and Concessions
- Act No. 437, on Actions for *Amparo* in connection with Constitutional Rights and Guarantees
- Act No. 176-07, on the National District and Municipalities
- Act No. 170-07, on Participatory Municipal Budgets

## D. Indicators on the political system

### Trends over the last few decades

103. In the late 1970s, the Dominican Republic became one of the first countries to transition from authoritarianism to representative democracy. In that regard, the country needed an electoral system that would be different from the existing one so as to establish more safeguards for elections and provide for governments to be elected by majority vote.

104. The elections held in May 1978 were especially significant, as they reflected a genuine trend in the political system towards representative democracy and proved the legitimacy of the democratic system as a means for participation and opposition on the part of the citizenry.

105. This development entailed a change in the electoral system. Between 1978 and 1994, the government was elected in one single election in which the civilian population over age 18 voted. [http://www.opd.org.do/index.php/analisis-partidos-politicos/603-sistema-electoral-y-sistema-de-partidos-en-republica-dominicana-1978-2008\\_-\\_edn1](http://www.opd.org.do/index.php/analisis-partidos-politicos/603-sistema-electoral-y-sistema-de-partidos-en-republica-dominicana-1978-2008_-_edn1). In other words, presidential, congressional and municipal elections were held concurrently, with the same ballot being used for presidential, congressional and municipal candidates. Deputies were elected in a "dragging ballot" system and a simple majority vote was needed to win elections. Seats were allocated according to the D'Hondt method.

106. In 1994, legislative and municipal elections were separated from presidential elections. Legislators are now elected by simple majority. The share of votes needed to

elect the president of the Republic was changed from a simple majority to an absolute majority or a two-round system.

107. After the reform of 1994 and up until 2008, three non-concurrent legislative and municipal elections (in 1998, 2002 and 2006) and four presidential elections (1996, 2000, 2004 and 2008) were held.

108. At present, the Dominican electoral system is governed by Act No. 275-97, which provides that the organization, surveillance and conduct of elections is to be the responsibility of the three electoral bodies of the country, namely, the Central Electoral Board, the electoral boards and the electoral colleges. The Central Electoral Board is a decentralized State institution which was created on 12 April 1923 to organize elections at three levels: presidential, congressional and municipal. Until the Constitution was amended in 2010, it was the highest electoral authority and had power in three areas: administrative, regulatory and in resolution of electoral disputes.

109. The municipal boards are standing bodies which are subsidiaries of the Central Electoral Board and are in charge of organizing elections in their jurisdictions. The electoral boards have two basic powers, i.e., administrative and in resolution of electoral disputes. In regard to disputes, they rule on protests, challenges and annulments in the electoral colleges under their jurisdiction.

110. The Constitutional amendment of 1994 stipulated that voting should be carried out in what was known as closed electoral colleges, a particular type of polling station in which the duly convened electoral assemblies meet so that citizens can exercise their right to vote. This had a significant impact on levels of participation and abstention in elections. The highest voter turnout of the period studied took place during the 1994 presidential elections. The abstention level was only 15.87 per cent.

**Votantes inscritos, votos emitidos y porcentaje de abstención en las elecciones congresuales de República Dominicana (1978-2006)**

Año	Total votantes inscritos	Votos emitidos	Porcentaje de abstención
1978	2,600,000	1,657,707	36.24
1982	2,880,000	1,830,530	36.44
1986	3,050,000	2,115,156	30.65
1990	3,278,000	1,934,533	40.98
1994	3,587,800	3,018,279	15.87
1998	4,129,540	2,143,519	48.09
2002	4,644,791	2,369,747	48.98
2006	5,369,064	3,121,665	41.86

**Fuente:** *Elaboración propia con los datos obtenidos de la Junta Central Electoral (JCE).*

111. After presidential elections were separated from congressional and municipal elections as a result of the 1994 amendment, voter turnout in congressional and municipal elections reached its lowest level in the 1998 and 2002 elections. Turnout rose in 2006, but never to the levels of the 1970s and 1980s, despite the fact that voting was facilitated for Dominicans living abroad.

**Votantes inscritos, votos emitidos y porcentaje de abstención en las elecciones presidenciales de República Dominicana (1978-2008)**

Año	Total votantes inscritos	Votos emitidos	Porcentaje de abstención
1978	2,600,000	1,657,707	36.24
1982	2,880,000	1,830,530	36.44
1986	3,050,000	2,115,156	30.65
1990	3,278,000	1,934,533	40.98
1994	3,587,800	3,018,279	15.87
1996	3,750,502	2,903,859	22.57
2000	4,251,218	3,236,906	24.00
2004	5,029,700	3,613,700	28.02
2008	5,764,387	4,113,644	29.00

**Fuente:** *Elaboración propia con los datos obtenidos de la Junta Central Electoral (JCE).*

112. In presidential elections, after dropping sharply during the 1994 elections, abstentions rose slightly, although at lower levels than they had been during the four election terms that followed the transition to democracy in 1978.

113. Some characteristics of the Dominican party system after the transition of 1978 are reflected in fragmentation and in concentration of votes, as shown by an analysis of election results.

114. The average fragmentation index for deputies is higher than it is for senators. However, an analysis of fragmentation in elections for the full legislature shows it fluctuating at around 0.51. This indicates that despite the existence of many different parties, the party system is concentrated in two major parties.

**Fragmentación y Número Efectivo de Partidos del Congreso de República Dominicana (1978-2006)**

Año	Diputados		Senadores	
	Fragmentación	NEP	Fragmentación	NEP
1978	0.50	1.99	0.48	1.93
1982	0.56	2.25	0.47	1.87
1986	0.60	2.53	0.45	1.82
1990	0.67	3.06	0.55	2.23
1994	0.59	2.43	0.53	2.13
1998	0.57	2.32	0.34	1.51
2002	0.63	2.69	0.17	1.21
2006	0.58	2.38	0.48	1.91

**Fuente:** *Elaboración propia con los datos obtenidos de la Junta Central Electoral (JCE).*

115. Over several terms, the highest level of fragmentation in elections for the Chamber of Deputies and the Senate occurred in 1990, when the Chamber obtained 0.67 and the Senate, 0.55. However, the Chamber had the lowest level of fragmentation for the entire period studied (0.50) in 1978. The lowest level for the Senate occurred in 2002 (0.17).

116. During the 2006 elections, fragmentation was lower in the Chamber of Deputies, compared with the previous period (0.63 to 0.58). It increased, however, in the Senate, compared with the previous year (0.17 to 0.48).

117. In this regard, the highest level of two-party concentration for the period studied was evident in 1978. The data show that votes were concentrated in the two major parties, with a voter participation of over 94 per cent.

**Concentración del voto (1978-2006)**

	1978	1982	1986	1990	1994	1998	2002	2006
<b>% de votos obtenidos por los 2 partidos más votados en las elecciones legislativas incluyendo todas circunscripciones</b>	94.33%	82.01%	73.97%	85.02%	77.55%	80.21%	68.41%	77.38%
<b>% de escaños obtenidos por los dos partidos más votados en el Congreso</b>	100.00%	96.67%	90.00%	82.08%	92.92%	90.96%	86.44%	87.57%
<b>% de votos obtenidos por el tercer y cuarto partidos más votados en las elecciones legislativas incluyendo a todas las circunscripciones</b>	0%	11.60%	23.70%	30.51%	18.29%	17.52%	25.18%	13.49%

**Fuente:** *Elaboración propia con los datos obtenidos de la Junta Central Electoral (JCE).*

### Present Situation

118. As of 30 October 2012, 25 parties and one movement were officially recognized in the Dominican Republic. Three parties may be considered large (with over 5 per cent of valid votes) and are represented in Congress: the Partido Revolucionario Dominicano (Dominican Revolutionary Party), the Partido de la Liberación Dominicana (Dominican Liberation Party) and Partido Reformista Social Cristiano (Christian Social Reformist Party).

119. The Alianza País (Al-País — Country Alliance) is not included among the 25 recognized parties because in the 2012 elections, it did not obtain the 2 per cent of valid votes required by law to allow it to maintain its legal standing. However, with 137 per cent of valid votes, it ranked sixth in number of votes obtained during that election.

120. In addition to the Al-País party, each of 18 other political organizations failed to obtain 2 per cent of valid votes in the May 2012 elections. However, they did elect at least one municipal representative in the congressional and municipal elections of 2010, and that kept them from being eliminated (Elections Act, Act No. 275-97, art. 65).

121. The Partido Revolucionario Independiente (Independent Revolutionary Party) and Partido Nacional de Veteranos Civiles (National Civilian Veterans Party) did not participate in the 2012 elections, owing to internal disputes. Even so, they retained their legal standing, given that the law provides that a party loses its standing only if it fails to run in two consecutive elections.

### III. General framework for the protection and promotion of human rights

#### A. Acceptance of international human rights norms

Resultados generales de las elecciones presidenciales de 2012				
Partido	Siglas	Candidato	Votación	
<b>Partido Revolucionario Dominicano y aliados</b>	<b>PRD y aliados</b>	<b>Hipolito Mejía</b>	<b>2,130,189</b>	<b>46.95%</b>
Partido Revolucionario Dominicano	PRD	Hipolito Mejía	1,911,503	42.13%
Movimiento Democrático Alternativo	MODA	Hipolito Mejía	91,821	2.02%
Partido Revolucionario Social Demócrata	PRSD	Hipolito Mejía	61,754	1.36%
Partido Humanista Dominicano	PHD	Hipolito Mejía	34,378	0.76%
Partido Democrático Institucionalista	PDI	Hipolito Mejía	11,711	0.26%
Alianza Social Demócrata	ASD	Hipolito Mejía	19,022	0.42%
<b>Partido de la Liberación Dominicana y aliados</b>	<b>PLD y aliados</b>	<b>Danilo Medina</b>	<b>2,323,463</b>	<b>51.21%</b>
Partido de la Liberación Dominicana	PLD	Danilo Medina	1,711,972	37.73%
Partido Reformista Social Cristiano	PRSC	Danilo Medina	266,487	5.87%
Bloque Institucional Socialdemócrata	BIS	Danilo Medina	72,260	1.59%
Unión Demócrata Cristiana	UDC	Danilo Medina	35,512	0.78%
Partido Quisqueyano Demócrata	PQDC	Danilo Medina	59,991	1.32%
Fuerza Nacional Progreista	FNP	Danilo Medina	33,172	0.73%
Partido de los Trabajadores Dominicanos	PTD	Danilo Medina	26,067	0.57%
Partido Popular Cristiano	PPC	Danilo Medina	22,089	0.49%
Partido Demócrata Popular	PDP	Danilo Medina	9,392	0.21%
Partido Cívico Renovador	PCR	Danilo Medina	26,992	0.59%
Partido Unidad Nacional	PUN	Danilo Medina	12,447	0.27%
Partido Liberal de la República Dominicana	PLRD	Danilo Medina	11,685	0.26%
Partido Acción Liberal	PAL	Danilo Medina	21,034	0.46%
Partido Socialista Verde	PASOVE	Danilo Medina	14,363	0.32%
<b>Alianza por la Democracia</b>	<b>APD</b>	<b>Max Puig</b>	<b>5,066</b>	<b>0.11%</b>
<b>Frente Amplio</b>	<b>Frete Amplio</b>	<b>Julián Serulle</b>	<b>6,553</b>	<b>0.14%</b>
<b>Dominicanos por el Cambio</b>	<b>DXC</b>	<b>Eduardo Estrella</b>	<b>9,343</b>	<b>0.21%</b>
<b>Alianza País</b>	<b>AL-País</b>	<b>Guillermo Moreno</b>	<b>62,296</b>	<b>1.37%</b>
<b>TOTAL</b>			<b>4,536,910</b>	<b>100.00%</b>

122. The Dominican State has signed and ratified the main international human rights treaties, in both the international system and the inter-American system, as follows:

### International System

<i>Instrument</i>	<i>Date of ratification</i>
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	24 January 2012
Convention relating to the Status of Refugees	4 January 1978
Protocol relating to the Status of Refugees	4 January 1978
International Covenant on Civil and Political Rights (CCPR)	4 January 1978
Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP)	4 January 1978
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (CCPR-OP2-DP)	21 September 2016
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	2 September 1982
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	25 May 1983
Convention against Discrimination in Education	30 August 1977
International Covenant on Economic, Social and Cultural Rights (CESCR)	4 January 1978
Convention on the Rights of the Child (CRC)	11 June 1991
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO-C182)	15 November 2000
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OP-AC)	14 October 2014
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC)	6 December 2006
Convention on the Rights of Persons with Disabilities (CRPD)	18 September 2009
Convention against Transnational Organized Crime	17 May 2013
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	17 May 2013
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	31 October 1962
Convention concerning Freedom of Association and Protection of the Right to Organise (ILO-C087)	5 December 1956
Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (ILO-C098)	22 September 1953
Convention concerning Forced or Compulsory Labour (ILO-C029)	5 December 1956
Convention concerning the Abolition of Forced Labour (ILO-C105)	23 June 1958
Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO-C100)	22 September 1953

<i>Instrument</i>	<i>Date of ratification</i>
Convention concerning Discrimination in Respect of Employment and Occupation (ILO-C111)	13 July 1964
Convention concerning Employment Policy (ILO-C122)	29 March 2001

### **Inter-American System**

<i>Instrument</i>	<i>Date of ratification</i>
American Convention on Human Rights	21 January 1978
Protocol to the American Convention on Human Rights to Abolish the Death Penalty	19 December 2011
Inter-American Convention to Prevent and Punish Torture	12 December 1986
Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women	10 January 1996
Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities	28 December 2006

## **B. Legal framework for the protection of human rights at the national level**

123. The Constitution of 2010 states, in article 1, that the Dominican people are a free and independent nation. Article 7 states that the Dominican Republic is a social and democratic State under the rule of law organized as a unitary republic, founded on respect for human dignity, fundamental rights, work, sovereignty of the people and separation and independence of the branches of government.

124. Title II of the Constitution, on rights, guarantees and fundamental duties, includes provisions relating to fundamental rights (chapter I, section 1, arts. 37-49), civil and political rights (section II, arts. 50-63), economic, social and cultural rights (section III, arts. 64-65), cultural and sporting rights (section IV, arts. 66-67) and collective and environmental rights.

125. Also worth noting are Article 22, on citizens' rights; article 169, on the Public Prosecution Service and its duties; article 138, on the public administration; article 262, on provisions relating to states of exception; article 252, on the purpose and nature of the Armed Forces; article 255, on the regime and purpose of the National Police, and article 191, on the duties of the Ombudsman.

126. Article 26 (2) of the Constitution provides that existing international treaties and agreements that have been ratified are in force in the domestic sphere, once they have been officially published.

127. The Constitution provides for states of exception, which may be declared by the President of the Republic and endorsed by Congress, in cases of state of defence, state of internal unrest and state of emergency.

128. The following may not be suspended during states of exception:

- The right to life, pursuant to article 37
- The right to personal integrity, pursuant to article 42
- Freedom of conscience and freedom to worship, pursuant to article 45
- Protection of the family, pursuant to article 55
- The right to one's name, pursuant to article 55 (7)
- The rights of the child, pursuant to article 56

- The right to a nationality, pursuant to article 18
- The right to citizenship, pursuant to article 22
- Prohibition against slavery and servitude, pursuant to article 41
- The principle of legality and non-retroactivity, pursuant to article 40 (13) and (15)
- The right to recognition of legal status, pursuant to articles 43 and 55 (7)
- Judicial, procedural and institutional guarantees indispensable for the protection of these rights, pursuant to articles 69, 71 and 72.

129. The legal structure of the Dominican Republic is designed to promote, protect and guarantee human rights through the establishment of public policies, national plans, programmes and projects, and the enactment of laws and publication of decrees, for the implementation of measures adopted by the State.

130. The State has adopted the following laws, among others, in order to protect human rights:

- Decree No. 974-01 of 26 September 2001, creating sectoral offices on gender equality in all ministries
- Act No. 1-12, establishing the National Development Strategy, of 25 January 2012, to protect and effectively promote the rights of individuals
- Act No. 42-2000, on Disability in the Dominican Republic
- Act No. 352-98, on Protection of Older Persons
- Act No. 12-2000, of 30 March 2000, increasing the quota of women in elected office
- Act No. 13-2000, on Municipal Organization, providing that all parties must include one woman on slates for mayor and deputy mayor
- Decree No. 548-03, of 6 June 2003, on Regulations for Workmen's Compensation Insurance
- Decree No. 989-03, of 9 October 2003, creating the Council on Occupational Safety and Health
- Decision No. 4/2007, of 31 January 2000, establishing general conditions relating to workplace safety and health
- Act No. 136-03, of 7 August 2003, creating the code for protection and fundamental rights of children and adolescents
- Decree No. 566-01, creating the National Directing Council to combat child labour
- Decree No. 546-12, on the National Literacy Plan (Quisqueya Aprende Contigo — Quisqueya Learns With You), on elimination of illiteracy
- Decree No. 102-13, on the early childhood services plan
- Decree No. 408-04, of 5 May 2004, creating the Inter-Agency Commission on Human Rights, presided over by the Ministry of Foreign Affairs
- Decrees Nos. 488-12 and 489-12, setting up the programme on progress towards labour force participation for thousands of Dominicans
- Act No. 19-01, creating the position of Ombudsman;
- Act No. 88-03, of May 2003, establishing women's shelters
- Act No. 295-11, declaring 26 September as National Pregnancy Prevention Day
- Act No. 42-01, General Health Act
- Act No. 66-97, General Education Act
- Decree No. 153-13, on construction of low-cost housing
- Decision No. 39/12, creating the Technical Commission on Equality and Non-discrimination on the Job

- Act No. 24-97, on Domestic Violence
- Act No. 135-11, on HIV/AIDS
- Act No. 87-01, on Social Security
- Act No. 41-00, on Culture
- Act No. 16-92 creating the Labour Code
- Decision No. 01/2014 of the National Children's Council, adopting the Roadmap for the Prevention and Elimination of Violence against Children and Adolescents
- Act No. 61-93, declaring 25 November as the Day of No Violence against Women

131. The Dominican State has a body of law on protection and promotion of human rights which is consistent with its international obligations and with the mandates established in the Constitution.

### **C. National Human Rights System**

132. The promotion and dissemination of human rights at the national level is enshrined in the Constitution as a fundamental obligation of all branches of government. Article 8 states that the effective protection of human rights is an essential function of the State (art. 8).

133. That duty is therefore delegated not only to the traditional branches of government (legislative, executive and judiciary), but beyond that, to a number of independent oversight bodies established by the Constitution to promote and disseminate human rights throughout the country.

134. The Constitution enshrines respect for human dignity, which is sacred, innate and inviolable, as a foundation of the State (art. 38). Accordingly, the international relations of the Dominican Republic are founded on and governed by, inter alia, respect for human rights and international law (art. 26 (3)), so that international human rights treaties that have been duly signed and ratified by the State have constitutional rank and are to be applied directly and immediately by the courts and other State bodies (art. 74 (3)).

135. Echoing the Constitution, Act No. 1-12, establishing the National Development Strategy (2030), provides that, as a cross-cutting policy, all plans, programmes, projects and public policies must include the human rights approach in their work plans, with a view to identifying situations in which rights are violated or vulnerable groups of the population are discriminated against or excluded, and taking measures to promote equity and social cohesion (art. 11).

136. The Inter-agency Commission on Human Rights was set up by Decree No. 408-04 to assist and support the State in all matters pertaining to human rights. It is part of the Ministry of Foreign Affairs and is presided over by the Human Rights Directorate. Both the Directorate and the Commission have been working since 2015 on drawing up the First National Human Rights Plan of the Dominican Republic.

### **D. Legal mechanisms for the protection of human rights**

137. The Constitution recognizes that everyone has individual and collective rights. It establishes a legal mechanism for protecting those rights from being violated by the public authorities, through remedies previously established by law.

138. The institutional structure of the Dominican Republic is designed to guarantee and protect the fundamental rights of citizens. Rights issues are dealt with specifically by the Human Rights Directorate of the Ministry of Foreign Affairs.

139. The Attorney General's Office is responsible for prosecuting, investigating and charging those responsible for violating the law. Accordingly, it has set up a human rights unit to safeguard and protect those rights, address specific issues involving offences that constitute the violation or infringement of human rights.

140. To ensure the effective protection of the fundamental rights of individuals and their ability to enjoy those rights, the Constitution has established the following mechanisms for enforcing those rights.

#### **Effective legal protection and due process**

141. To exercise their rights and legitimate interests, everyone has the right to obtain effective judicial protection through due process, which includes the following minimum guarantees:

- The right to accessible, timely and free justice
- The right to be heard within a reasonable period of time and by a competent, independent and impartial court previously established by law
- The right to be presumed innocent and to be treated as such until guilt has been established by an irrevocable decision
- The right to a public oral adversarial proceeding, with full equality and respect for the right to a defence
- No one may be tried twice for the same charges
- No one may be required to testify against him or herself
- No one may be tried except under laws that already existed prior to the act giving rise to the charge, before a competent judge or tribunal observing all the formalities required for each trial
- Any evidence obtained in violation of the law is null and void
- All sentences may be appealed in accordance with the law. A higher court may not aggravate the penalty imposed when only the convicted person appeals the sentence
- The rules of due process must be applied to all judicial and administrative actions

#### ***Habeas data***

142. Everyone has the right to judicial action to ascertain the existence of and gain access to any information regarding him or her which appears in public or private records or databanks and, if the information is false or discriminatory, to demand the suspension, rectification, updating and confidentiality of such information, in accordance with the law. The secrecy of journalists' sources of information may not be compromised.

#### ***Habeas corpus***

143. Anyone who has been deprived of his or her liberty or is in danger of being deprived of liberty in an unlawful, arbitrary or unreasonable manner has the right to file a writ of habeas corpus before a competent judge or court, either in person or represented by someone acting on his or her behalf, in accordance with the law. The court must consider and decide, in a simple, effective, rapid and summary manner, on the legality of the deprivation or threat of deprivation of the person's liberty.

#### ***Amparo***

144. Everyone has the right to file for *amparo* before the courts, either in person or represented by someone acting on his or her behalf, for immediate protection of fundamental rights that are not protected by habeas corpus, when those rights are violated or threatened by the action or omission of a public authority or a private individual to enforce a law or administrative act or to guarantee collective and diffuse rights or interests. As established by law, the proceeding must be preferential, summary, oral, public, free and not subject to formalities.

145. Actions taken during states of exception that violate protected rights and unreasonably affect suspended rights are subject to *amparo*.

**Nullity of acts that subvert the constitutional order**

146. Acts issued by a usurped authority, actions or decisions of public authorities, institutions or individuals that alter or subvert the constitutional order and decisions taken by requisition of armed force are void ab initio.

**E. Reporting process**

147. The Human Rights Directorate of the Ministry of Foreign Affairs is in charge of preparing and submitting reports on all treaties pertaining to the promotion and defence of human rights that the country has signed.

**Preparation**

- The Human Rights Directorate of the Ministry of Foreign Affairs convenes a meeting of the Inter-Agency Commission on Human Rights for the purpose of identifying the State institutions that are responsible for implementing the treaty in question.
  - A timeline is drawn up of the meetings to be held during the process of preparing the report, indicating the deadlines for transmitting information at each stage, in order to ensure that the report is submitted on schedule to the Committee in question.
  - Specific requests for information are drawn up and sent to all the Government agencies.
  - Information is gathered and compiled, including follow-up on recommendations.
  - The information is consolidated.
  - The information that has been compiled and consolidated is reviewed.
  - A preliminary report is prepared (first draft).
  - The preliminary report is sent to the State agencies for their review and approval.
  - The observations of State agencies are corrected and incorporated.
  - The final report is drafted.
  - The report is submitted for approval to the Ministry of Foreign Affairs.
  - The report is transmitted to the committee concerned.
  - The State party substantiates the report before the committee concerned.
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