



# Convention on the Rights of the Child

Distr.: General  
31 October 2013  
English  
Original: Spanish

---

Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Third to fifth periodic reports of States parties due in 2011

**Dominican Republic\***

[11 July 2011]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

GE.13-48088 (EXT)



\* 1 3 4 8 0 8 8 \*

Please recycle 



## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–9	5
I. General measures of implementation.....	10–84	6
A. Legislative advances: the new Constitution and alignment with fundamental rights.....	10–20	6
B. Institutional mechanisms for guaranteeing the rights set out in Act No 136-03.....	21–65	7
C. Policies in support of the fundamental rights of children and adolescents.....	66–72	18
D. Efforts to combat poverty: social programmes: advances and challenges.....	73–84	19
E. Available resources.....		24
II. Definition of the child.....	85–101	27
A. Definition.....	85–86	27
B. Legal capacity to marry.....	87	28
C. Labour situation.....	88–97	28
D. Military recruitment.....	98	30
E. Criminal responsibility.....	99	30
F. Deprivation of liberty.....	100–101	30
III. General principles.....	102–120	31
A. Non-discrimination.....	102–103	31
B. Best interests of the child.....	104–106	31
C. The right to life, survival and development.....	107	32
D. The right to participate and be heard.....	108–120	32
IV. Civil rights and freedoms.....	121–149	36
A. Name and nationality.....	121–124	36
B. Registration of birth.....	125–128	37
C. The right to be brought up by one’s father and mother.....	129–133	37
D. Freedom of expression.....	134–137	38
E. Protection of privacy.....	138–143	39
F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.....	144–149	40
V. Family environment and alternative care.....	150–160	40
A. The right to be in contact with the family and parental responsibility.....	150–153	40
B. Separation.....	150–153	40
C. Exiting the country.....	154	41
D. Illicit transfer and non–return.....	155	41

E.	Abuse and neglect, including physical and psychological recovery and social reintegration.....		41
F.	Adoption.....	156–158	42
G.	Recovery of maintenance for the child.....	159–160	42
VI.	Basic health and welfare.....	161–227	43
A.	Survival and development.....	164–165	44
B.	Children with disabilities.....	166–168	44
C.	Health and sanitation.....	169–171	45
D.	Social Security and childcare services and facilities.....	172–174	46
E.	Prevalence of HIV/AIDS.....	175–185	46
F.	Malaria.....	186–192	47
G.	Tuberculosis.....	193–194	48
H.	Infant and maternal mortality.....	195	49
I.	Hospital births.....	196	49
J.	Vaccination.....	197–198	49
K.	Nutrition.....	199	49
L.	Drinking water.....	200–201	49
M.	breastfeeding.....	202–204	50
N.	Adolescent health.....	205–227	51
VII.	Education, leisure and cultural activities.....	228–259	53
A.	Context.....	228–234	53
B.	Aims of education.....	235–244	55
C.	Adolescents deprived of liberty outside the education system.....	245	57
D.	Expulsion for reasons of disability, pregnancy or HIV infection.....	246–248	57
E.	School enrolment.....		58
F.	Attendance levels.....		59
G.	Information and guidance: training and guidance programmes.....	249–253	60
H.	School dropout.....	254	61
I.	School lunch.....	255	61
J.	International cooperation in education.....		62
K.	Technology and equipment.....	256–257	62
L.	Programmes to support students from vulnerable families.....	258–259	63

VIII.	Special protection measures .....	260–342	64
A.	Children in situations of emergency .....	260–264	64
B.	Adolescents in conflict with the law .....	265–299	65
C.	Children and adolescents subject to exploitation and measures to promote their physical and psychological recovery and social reintegration.....	300–342	70
	Statistical Annex.....		79

## Introduction

1. This report of the Dominican Republic to the Committee on the Rights of the Child is submitted in compliance with the recommendation contained in paragraph 91 of the Committee's concluding observations on the State party's last report to the Committee (CRC/C/DOM/CO/2). In accordance with article 44 of the Convention on the Rights of the Child, it covers the advances made and the challenges encountered in fulfilling the obligations established by that Convention.

2. The exceptional character of this report, which combines in a single document the outstanding third, fourth and fifth reports, enables the Dominican Republic to make up for the delayed submission of those reports and provides an incentive for the country to take the necessary steps in the future to meet the reporting deadlines, every five years.

3. It is a source of satisfaction that not only have requirements been met concerning the form and time frame for submission of this report, but also the information it contains has been brought up to date and disaggregated to an extent not matched by previous reports. It is hoped that this report will allow Committee members to form a clear and measured opinion concerning the situation and status of children's rights in the Dominican Republic.

4. In accordance with the general guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention, adopted by the Committee on 3 June 2005 (CRC/C/58/Rev.1) at its thirty-ninth session, replacing those adopted by the Committee on 11 October 1996 (CRC/C/58), some 75 specialists in the core institutions of the protection system were for a period of three months engaged in compiling, processing and analysing relevant information in response to virtually all the main concerns and clusters of questions.

5. For this five-year period, the balance sheet of the Dominican Republic in respect of the rights of children and adolescents is positive; the country has made great strides towards improving social indicators. Some of these advances reflect better safeguards for human rights through major legislative reforms based on ratification of the Convention on the Rights of the Child. As an integral part of ensuring safeguards and rights, the State has established a new institutional framework for social policy: the National Council for Children and Adolescents (CONANI). This serves as the lead agency for safeguarding the rights of children and adolescents, which is the joint responsibility of the family, the community, the Government and civil society in general.

6. This report offers a brief overview of some of the main requirements for the protection system to impart new momentum to strategic action designed to contribute, in accordance with the sectoral and broad policy lines set out by the Government, to the establishment of the rule of law for children and adolescents in the Dominican Republic.

7. The methodology developed was implemented by way of a work plan coordinated by CONANI and the Ministry of Foreign Affairs; sectoral linkages were established, mostly in the form of task forces within institutions. With the technical and financial assistance of the United Nations Children's Fund (UNICEF), a series of workshops and meetings were held with the task forces. The ethical commitment of all those participating in the drafting process translated into an effort to provide up-to-date data for the statistical part of the report and to strike the proper balance between achievements and remaining challenges, particularly in respect of persistent shortcomings which impair the protection system.

8. Notwithstanding the fact that, during the period, there was no effective mechanism for following up the recommendations set out in the concluding observations of the Committee at its forty-seventh session on the country's second report

(CRC/C/DOM/CO/2), the enquiries and investigations of the task forces led to the identification of measures relevant to most of the recommendations.

9. In the matter of data base management and partnerships to promote the development of an information system for children, the country has made substantial progress, as it has in regard to social protection. Moreover, the swathe of reforms in the past five years has strengthened coordination in the generation of knowledge for improved provision of services. There nevertheless remain considerable inequities and difficulties that prevent children and adolescents from being adequately protected: investment and the implementation of public policy are significant challenges where children are concerned. Continuing efforts are therefore called for through ministries and civil society organizations, in cooperation with international organizations, to maintain a strong focus on effectively guaranteeing the fundamental rights of children and adolescents.

## **I. General measures of implementation**

### **A. Legislative advances: the new Constitution and alignment with fundamental rights**

10. The Dominican State has no reservations of any kind regarding the Convention on the Rights of the Child.

11. In the current period, the National Constitution has undergone a major reform. The Constitution of 26 January 2010 provides for a wide range of rights and safeguards. It incorporates a children's and adolescents' rights approach with specific attention to the best interests of the child and the child's right of opinion and participation in accordance with articles 3 and 12 of the Convention.

12. Article 55 of the new Constitution is devoted to the family and states that "the family is the foundation of society and the basic framework for full individual development. It is formed through natural or legal bonds and the free decision of a man and woman to enter into matrimony or the responsible intent of forming a family". Maternity is enshrined in paragraph 6 of that article, which provides that, irrespective of a woman's social or civil status, maternity is protected by the public authorities and create a right to official assistance in cases of abandonment.

13. Paragraph 8 stipulates that all persons have a right from birth to free registration in the civil registry or in the immigration registry and to obtain public documents attesting to their identity, in accordance with the law.

14. Paragraph 9 lays down that all children are equal before the law and shall have equal rights and duties and enjoy the same opportunities for social, spiritual and physical development. It is forbidden to make any reference to the nature of the filiation in civil registers and in any identity document, in accordance with article 2 of the Convention.

15. Paragraph 10 of the same article 55 sets out the shared and irrevocable duty of parents to feed, raise, instruct, educate, maintain, protect and assist their children. Paragraph 12 stipulates that the State shall enact legislation to ensure safe and effective adoption policies.

16. Article 56 devotes special attention to the protection of minors and stipulates that “the family, society and the State shall give precedence to the best interests of the child or adolescent; they shall have the obligation to assist them and protect them to guarantee their full and harmonious development and the full exercise of their fundamental rights”.

17. Paragraph 1 of article 56 states that “it is of the highest national interest to eradicate child labour and any kind of ill-treatment or violence against minors. Children and adolescents shall be protected by the State against all forms of abandonment, sequestration, state of vulnerability, abuse or physical, psychological, moral or sexual violence, commercial, labour and economic exploitation and dangerous work”.

#### **Judicial decisions**

18. On 27 May 2009, judgement No. 63 was handed down concerning personal declaration of the father, the birth certificate and article 46 of Act No. 659 on civil status. Through this judgement, the Dominican State violated the right to identity in that it nullified a birth certificate on the grounds that a girl had not been born in the judicial district where she had been registered, thus causing serious harm to the girl in question. The Inter-American Court of Human Rights restored the violated right.

19. DNA evidence, cases of non-exclusion of paternity: DNA evidence of a minimum degree of certainty of 99.73 per cent is considered in itself to be absolute practical proof of paternity.

*De facto relationship. Common-law marriage considered to be a form of family.  
17 October 2001*

20. Accessory judgement of the Juvenile Court of Appeal, Distrito Nacional, on recognition of paternity and denial of DNA evidence. Importance of constitutional principles; pre-eminence of the right to identity; the right to evidence and the best interests of the child.

### **B. Institutional mechanisms for guaranteeing the rights set out in Act No. 136-03**

21. The institutional mechanisms that guarantee children’s and adolescents’ rights in the Dominican Republic are set out in Act No. 136-03. Article 51 of the Act focuses on mechanisms for intersectoral coordination, planning, oversight and control and citizen participation and enforceability. It defines the national system for the protection of the rights of children and adolescents as follows: “all governmental and non-governmental institutions, bodies and entities that formulate, coordinate, incorporate, supervise, implement and evaluate public policies, programmes and actions at the national, regional and municipal level for the full protection of the rights of children and adolescents”.

22. The national system for the protection of the rights of children and adolescents breaks down into two subsystems: (a) the administrative subsystem, and (b) the judicial subsystem.

---

*The national system for the protection of the rights of children and adolescents comprises:*

---

*Administrative subsystem*

*Judicial subsystem*

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Policy design, planning, monitoring and evaluation bodies: governing boards of national and municipal councils;</li> <li>• Policy implementation bodies: national and municipal offices and public and private care providers;</li> <li>• Bodies for the protection, defence and enforceability of rights: local committees for the protection and restoration of rights.</li> </ul> | <ul style="list-style-type: none"> <li>• Juvenile courts, executing officers, appeal courts, Supreme Court of Justice;</li> <li>• Office of the Ombudsman for Children and Adolescents;</li> <li>• Public Prosecution Service for Children and Adolescents.</li> </ul> |
|---|--|
- 

**1. Administrative subsystem**

23. This administrative subsystem is made up of CONANI, which is a decentralized institution of the Dominican State that has legal personality and its own resources and acts as the highest administrative body of the national protection system. In accordance with the law, CONANI is required to implement policies, programmes, projects and initiatives in support of the rights of children and adolescents in the national territory by liaising between and coordinating governmental and non-governmental institutions at the local and national level.<sup>1</sup> It is headed by a National Board chaired by a civil servant with ministerial rank, with representatives of 12 institutions, plus the General Management, which acts as its secretariat.

*a. The National Board*

24. The CONANI National Board, as the governing body of the system for the protection of children and adolescents, is responsible for taking the decisions that must then be put into practice by the appropriate bodies of the system. In the period 2007–2011, it held 10 regular meetings, at which 26 resolutions were adopted. Three extraordinary meetings were held, which produced two resolutions. One of the weaknesses of this forum, already noted in the evaluation of Act No. 136-03,<sup>2</sup> concerned the quality of institutional representation at the regular and extraordinary meetings of the National Board.

*b. The National Office*

25. As defined in article 433 of Act No. 136-03, “the National Office is responsible for giving technical support to the National Council for Children and Adolescents (CONANI)

---

<sup>1</sup> CONANI has the following basic functions: (a) heading the National Office, the Regional Technical Offices, the Municipal Boards and the Municipal Offices, which all form a part of the National Council for Children and Adolescents; (b) coordinating and following up on the design and implementation of basic social, welfare and protection policies of member units of the National Board; (c) maintaining administrative and judicial mechanisms for the protection of children and adolescents whose rights have been threatened or violated; and (d) advising the State bodies responsible for ratifying commitments, treaties, conventions and other international instruments concerning children's and adolescents' rights to which the country adheres.

<sup>2</sup> Status analysis of implementation of Act No. 136-03, 2004–2007. Evaluation of Act by Dr. Yuri Buaiz, Chair, UNICEF, CONANI, CEJNNA, March 2011.

and for implementing decisions taken by the Board, coordinated by a general manager, under the supervision of the Presiding Officer of the Council”.

26. Over the past three years, the National Office has undergone a number of reforms in an attempt to streamline its operations; the services part has been separated from the stewardship functions through the establishment of a governing body for the services provided by CONANI. The technical bodies that provide support for the work of the National Office include a number of specialized commissions,<sup>3</sup> the most proactive of which is the technical advisory panel of the National Board, composed of technical representatives of the member institutions of the National Board.

c. *The regional offices*

27. In accordance with the territorial divisions laid down in Executive Decree No. 710-04, CONANI has 10 regional technical offices open to the public, as noted in the country’s previous report. Their geographical location is in line with the planning regions approved by the National Council on State Reform (CONARE). The offices are listed below by region:

---

*List of regional offices*

---

1. **North Cibao Regional Office**, located in the city of Santiago de los Caballeros. It covers the provinces of Santiago, Puerto Plata and Espaillat.
  2. **South Cibao Regional Office**, located in La Vega, the first to have been established. It covers the provinces of La Vega, Sánchez Ramírez and Monseñor Nouel.
  3. **North-east Cibao Regional Office**, located in the city of San Francisco de Macorís. It covers the provinces of Duarte, Salcedo, Maria Trinidad Sánchez and Samaná.
  4. **North-west Cibao Regional Office**, located in the municipality of Mao. It covers the provinces of Valverde, Montecristi, Dajabón and Santiago Rodríguez.
  5. **Valdesia Regional Office**, located in the city of San Cristóbal. It covers the provinces of San Cristóbal, Azua, Peravia and San José de Ocoa.
  6. **El Valle Regional Office**, located in the city of San Juan de la Maguana. This region has only two provinces: San Juan and Elías Piña.
  7. **Enriquillo Regional Office**, located in the city of Barahona. Its responsibilities extend to the provinces of Barahona, Perdenales, Independencia and Baoruco.
  8. **Yuma Regional Office**, located in the city of La Romana. It covers the provinces of La Romana, La Altagracia and El Seibo.
  9. **Higüamo Regional Office**, located in the city of San Pedro de Macorís. It covers the provinces of San Pedro, Monte Plata and Hato Mayor.
  10. **Metropolitan or Ozama Regional Office**, located in the municipality of Santo Domingo Este. Its responsibilities extend to Distrito Nacional and Santo Domingo province.
- 

*Source:* CONANI National Office, 2011.

---

<sup>3</sup> The specialized commissions are concerned respectively with commercial sexual exploitation, child labour, the right to have a name and a nationality and child trafficking; in addition, a Consultative Panel of the Dominican Republic on Early Childhood was set up in 2010 and has held frequent meetings.

d. *Municipal boards*

28. In the period 2006–2011, CONANI set up 34 fully operational municipal boards. However, not all the municipal boards are supported by the other local structures required for them to discharge their functions in accordance with the law, the main reason being the budget shortfall.

e. *Municipal offices*

29. In the previous report, no information was provided about the setting up of municipal offices.<sup>4</sup> However, in this report, it can be stated that, as part of the efforts to develop the system for the protection of children and adolescents at the local (municipal) level, nine such offices have been opened throughout the national territory.

---

*List of municipal offices*

---

**Salcedo Municipal Office**, located at 107 calle Hermanas Mirabal, upper level, Salcedo. Area of responsibility of the North-East Regional Office, San Francisco de Macorís.

**Nagua Municipal Office**, located at 202 Avenida Marís Trinidad Sánchez Esq. Ramón Melo, Cabrera exit, Nagua, area of responsibility of the North-east Regional Office, San Francisco de Macorís.

**Boca Chica Municipal Office**, located at 24 Avenida del Sur, Boca Chica. Area of responsibility of the Metropolitan Office.

**Terrenas Municipal Office**, located at 152 Avenida Duarte, Plaza Deborah Center, las Terrenas, Distrito Nacional. Area of responsibility of the North-East Regional Office, San Francisco de Macorís.

In 2008, the following two municipal offices were opened:

**Villa Altagracia Municipal Office**, area of responsibility of the Valdesia-San Cristóbal Regional Office;

**Pedernales Municipal Office**, area of responsibility of the Enriquillo Regional Office.

In 2009, the following municipal office was opened:

**Sabana Grande de Boya Municipal Office** in the province of Monte Plata, area of responsibility of the Higüamo Regional Office, San Pedro de Macorís.

In 2010, a further municipal office was opened, namely:

**Azua Municipal Office**, area of responsibility of the Valdesia-San Cristóbal Regional Office, representing the eighth CONANI municipal office at the national level.

In 2011, the following municipal office was opened:

**Higüey Municipal Office**, area of responsibility of the Yuma-Altagracia Regional Office, Higüey, representing the ninth CONANI municipal office at the national level.

---

*Source:* CONANI National Office, 2011.

---

<sup>4</sup> Article 445 of the Act define municipal offices as operational units responsible for providing technical support to the local branches of the Council so as to ensure the viability of the policies and procedures approved by the national and municipal boards, under the technical supervision of the National Office.

30. In the remaining part of 2011, CONANI plans to set up eight municipal offices in the following municipalities: El Seibo, Puerto Plata, Dajabón, Cotuí, Los Alcarrizos, Jimaní, Elías Piña and Constanza.

*f. Local committees for the protection and restoration of rights*

31. The progress made in setting up local committees for the protection and restoration of rights is reported on below.<sup>5</sup>

32. These committees are local bodies responsible for taking administrative measures for the protection and restoration of rights with a view to ensuring that children and adolescents whose rights are threatened, abused or flagrantly violated fully enjoy those rights. The establishment of such committees, in accordance with article 464 of Act No. 136-03, answers a need for a national system to protect and guarantee children's and adolescents' rights in the Dominican Republic.

33. In 2007, an agreement was signed between the CONANI and the Castilla y León committee,<sup>6</sup> granting a direct subsidy to CONANI for the implementation of three pilot projects in the municipalities of Boca Chica, Salcedo and Pedernales, with the aim of laying the foundations for the establishment of local committees for the protection and restoration of rights.

34. In August 2008, a mission visit was undertaken by the Advisory Office for Domestic and Legal Affairs of Castilla y León, composed of Ignacio Ayala Andrés, coordination officer of the Directorate of Migration Policy and Development Cooperation, Eva Domínguez Sánchez, Chief of the Development Cooperation Service and Inés Pedrejón Ortega, Delegate of the Castilla y León Committee in the Dominican Republic. The mission evaluated, supervised and monitored the three pilot projects and the implementation of the family intervention programme.

35. In 2010, resolution No. 05-2010 was adopted, approving the regulations governing local committees for the protection and restoration of rights. These regulations determine the form and operation of the local committees, designed to serve as decentralized bodies at the municipal level responsible for taking measures for the protection and restoration of rights in accordance with the provisions of articles 462 and 463 of Act No. 136-03.

36. In 2011, as part of its continuing effort to build a strong national system of protection, CONANI designed a project<sup>7</sup> to be carried out with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR), aimed at strengthening the system of protection through the development of best interests determination (BID), as an activity of the overall protection system. Other action taken includes the establishment of nine local committees for the protection and restoration of rights and the development of the foster family programme in three municipalities.

37. The CONANI National Board, as the body responsible for promoting action to ensure children's and adolescents' rights, meeting on 3 May 2011, approved the

<sup>5</sup> In 2010, the regulations governing local committees for the protection and restoration of rights were approved under resolution No. 05-2010.

<sup>6</sup> In mid-2006, an initial survey was conducted, with the help of a consultant from the Castilla y León committee, to identify the main problems of childhood, with the participation both of civil society and of institutions forming part of the local system of protection. The survey was carried out in the municipalities of Azua, Bani, San Cristóbal and Boca Chica.

<sup>7</sup> This project is financed by the European Office for Humanitarian Aid and Civil Protection, which made a €600,000 contribution to UNHCR in support of earthquake victims and other persons in vulnerable situations.

establishment of local committees for the protection and restoration of rights in the following municipalities: Boca Chica, Villa Altagracia, Pedernales, Jimaní, Elías Piña, Dajabón, Santiago, Las Terrenas and Higüey.

## 2. Judicial subsystem

38. The Committee, in paragraph 16 of its concluding observations, “recommends that the State party make appointments for both Ombudspersons as soon as possible and take the necessary measures to ensure these institutions comply with the Paris Principles”.

39. In compliance with this recommendation, the Dominican State has provided under articles 190, 191 and 192 of its Constitution for the establishment of the office of Ombudsperson, with administrative and budget autonomy. In the current year, the State has made the final preparations for the appointment of the Ombudsperson,<sup>8</sup> in accordance with Act No. 1901.

40. In 2007, a commission<sup>9</sup> was set up to develop the regulations called for by Act No. 136-03, together with the regulations already adopted by the CONANI National Board, thereby putting in place new instruments to give effect to the law. One of the regulations drawn up that will help to combat discrimination in education while promoting participation concerns the handling of school discipline, in accordance with article 48 of Act No. 136-03.

41. In line with paragraph 10 of the Committee’s concluding observations and under the provisions of article 282 of Act No. 136-03, the judiciary is putting in place mechanisms<sup>10</sup> to facilitate the taking of evidence from minors who are victims or witnesses of crimes. These will entail the advance submission of evidence in interview centres whose purpose is to provide the courts with forensic tools to take statements or evidence from children or adolescents who have been victims or witnesses of criminal offences while safeguarding their rights and their integrity, in accordance with the rules for the protection of their rights and best interests, at the same time helping to improve the administration of criminal justice.

42. The centres follow a set procedure for the taking of evidence from juvenile victims or witnesses in criminal cases.

43. The Distrito Nacional Interview Centre for Persons in Vulnerable Situations as Victims or Witnesses of Criminal Offences is currently in operation. A large number of interviews were conducted in its opening year.<sup>11</sup> An interview centre was set up for the same purpose in San Cristóbal in 2011, using a Gesell chamber, and another is planned in Higüey. For 2012, it is planned to set up seven centres in various judicial districts of the country. The legal basis for the establishment of these interview centres is the Convention

---

<sup>8</sup> The Dominican Republic is currently in the selection process for this post. All candidates have been evaluated by the special commission set up by the Chamber of Deputies to propose a shortlist for submission to the Senate and the subsequent appointment of the Ombudsperson some time this year. The Act provides for the appointment of an incumbent and two assistants who will be concerned with specific issues, including issues relating to children.

<sup>9</sup> Supported by UNICEF and coordinated by the Commissioner for the Reform and Modernization of the Justice System, this commission has been working on the implementing regulations for Act No. 136. It is headed by a Supreme Court judge and includes the National Coordinator for Children, Adolescents and the Family of the Attorney-General’s Office. However, the commission is very much behind in its work; it is hoped that the regulations will be available by the end of 2011.

<sup>10</sup> A team of behavioural specialists has been entrusted with this task.

<sup>11</sup> See annexed statistical table on interviews conducted with persons in vulnerable situations as victims or witnesses of crimes.

on the Rights of the Child, the Code for the System of Protection and Fundamental Rights of Children and Adolescents (Act No. 136-03) and Supreme Court resolutions 3687-2007 and 116-2010.

44. On the subject of telephone helplines, in paragraph 18 of its concluding observations, the Committee calls on the State party to provide core funding to maintain and expand the services, “including by establishing a toll-free three-digit 24-hour helpline and ensure that these services reach children in marginalized and rural communities as well”, and also to improve coordination with NGOs and “examine the possibility of integrating these two helplines”.

45. In the current period, the two helplines (*línea vida* and *línea 700*) have continued to be in operation. *Línea 700* is being consolidated and the Attorney-General’s Office is arranging for the helpline personnel to obtain their own premises. There has been no official discussion of the possibility of merging *línea vida* with *línea 700*; however, the proposal has resurfaced in various scenarios. It has not yet proved possible to ensure the 24-hour operation of these helplines, but there has been an increase in the number of calls and cases are already being reported by inland communities. As for the sustainability of the lines, those existing have remained active and have given positive results.

46. As for the need to associate civil society more closely with the operation of these helplines, this is an outstanding issue to be included in plans to improve the helpline service. The system of protection has not taken sufficient advantage of opportunities for improving coordination with NGOs in this and other matters. The governing body has still not put in place the necessary conditions for the further development of this service or framed strategies to promote integration. The establishment of a specialized commission to monitor and track this service might be another option.

47. With regard to paragraph 22 of its concluding observations,<sup>12</sup> where the Committee recommends that the State party “strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention”, in the current period the system of protection has been marked by notable advances and progress is being made towards the establishment of a system of information on children and adolescents. These advances are shown below by sector, based on the relevant resolution.

48. The National Coordination Office on Children, Adolescents and the Family of the Attorney-General’s Office collects basic data concerning adolescents in conflict with the law and family institutions, such as custodial arrangements and visiting rules. Statistics are likewise compiled from *línea 700* on the prevention of child abuse. It is recognized, however, that the information is insufficient<sup>13</sup> since it does not include data from other sources and that there is a lack of indicators. This remains a challenge. The National Directorate on Adolescents in Conflict with the Law keeps statistical data on adolescents in detention facilities and adolescents subject to socio-educational measures.<sup>14</sup>

49. As one of the Committee’s recommendations on the last report concerned the inadequacy of judicial data, it should be noted that a process is under way to set up a national statistics system in the justice sector, with the support of the National Statistics Office (ONE), under the sponsorship of UNICEF. Work is currently being done to identify

<sup>12</sup> Concerning the systematic gathering of data on children affected by violence and different forms of abuse, commercial and sexual exploitation and children in conflict with the law, and possible disaggregation according to relevant criteria.

<sup>13</sup> This information is stored manually and not on the basis of software or a computer program.

<sup>14</sup> This information is stored manually and not on the basis of software or a computer program.

indicators for inclusion in the data collection instruments relating not only to the judiciary but also to the Attorney-General's Office, the Public Prosecution Service and the police.<sup>15</sup>

50. Various terms of reference<sup>16</sup> have been set for the establishment and development of an information system. The system would be composed of a series of indicators and statistics on children and adolescents in the Dominican Republic and would register, store and process information while establishing databases in order to provide the country with disaggregated and consolidated information, particularly on children and adolescents. Work is currently in progress towards that end.<sup>17</sup>

51. In response to the concern expressed by the Committee in paragraph 21 of its concluding observations with regard to the lack of a baseline due to the many unregistered children living in the country at the present time, the State party sets out below a progress report on the development of a system of indicators and statistical information on children and adolescents in the Dominican Republic.<sup>18</sup>

**CONANI action to advance the process of preparing, designing and developing the system of indicators and statistical information on children and adolescents**

<i>Year</i>	<i>Process</i>
2008	In an effort to respond to the observations of the Committee on the Rights of the Child, CONANI-Info is launched  Training in the use, management and administration of databases using the DevInfo/InfoDom tool, under the auspices of UNICEF
2009	CONANI is selected to be responsible for administering the system of indicators and information for Latin America and the Caribbean to monitor international commitments to the prevention and elimination of the commercial sexual exploitation of children and adolescents (DevInfoLAC ESC)

<sup>15</sup> See annex: Advances in statistical information in the justice sector.

<sup>16</sup> Act No. 136-03 (Code for the System of Protection and Fundamental Rights of Children and Adolescents) establishes the following terms of reference: under article 434 (f): define and evaluate indicators to measure the status of children's and adolescents' rights; (g) introduce statistical tracking in this area, including an updated inventory on governmental and non-governmental institutions and organizations engaged in childcare programmes; (h) design, promote and implement mechanisms to track, monitor and supervise public and private plans and programmes on children and adolescents; under article 458 (d): maintain a register on children and adolescents, showing the date of each entry, the name of the child or adolescent and his or her parents or guardian, education, gender, age, family relations and other information serving to identify the young person and individualize his or her care; (e) report at least once every three months to the CONANI municipal office; and (f) undertake an individual socio-familial study with corresponding recommendations.

<sup>17</sup> This system will be so designed and configured as to allow it to organize the information collected into a single cluster, to be updated every four months by information obtained from each of the member institutions of the National Board, including the Ministry of Education, the Ministry of Health, the Ministry of Labour, the Ministry of Justice, the Dominican Municipal League and children's NGOs, and from their respective programmes and services, with a view to mapping national policies on children in the country.

<sup>18</sup> This system is being developed with the support of UNICEF. However, the organizational structure of the governing body lacks a management unit that would ensure that the system is properly run. A department has recently been set up which it is hoped will be given the necessary resources to fulfil the expectations of operators and users of the system of protection.

<i>Year</i>	<i>Process</i>
	<p>Training at the Regional Workshop for DevInfoLAC ESC Administrators,<sup>19</sup> under the auspices of the International Labour Organization/International Programme on the Elimination of Child Labour</p> <p>Analysis, design and development of the system for the protection of children and adolescents of the Ibero-American Community (SIPIACI)<sup>20</sup></p>
2010	<p>Analysis, design and development of the system of indicators and information to track, monitor and evaluate Haitian children and adolescents (SiProNNahi)<sup>21 22</sup></p> <p>Updating and printing of teaching materials: guide for users of DevInfoLAC ESC and system download CD, a DevInfoLAC ESC brochure, a brochure on InfoREDESC and the list of indicators for distribution to training workshop participants, RD\$ 168,620.</p> <p>Four workshops on the use and management of the DevInfoLAC ESC database for CONANI personnel, members of the National Board and the Commission on Commercial Sexual Exploitation, attended by 18 men and 93 women, making a total of 111 participants, RD\$ 85,146.</p> <p>Analysis design and development of the database for the first census of children and adolescents in governmental and non-governmental residential care organizations (NGOs census)</p>
2011	<p>Participation in the international DevInfo 6 training workshop sponsored by UNICEF and conducted by the DevInfoLAC regional technical support group for Latin America and the Caribbean based in Panama</p>

The main purpose of the system of statistical indicators and information on children and adolescents in the Dominican Republic is to register, store and process information while establishing databases providing CONANI with disaggregated and consolidated information, and putting in place mechanisms serving for the dissemination of the processed information and as a tool of official communication on institutional achievements.

The system is so designed as to configure the collected information into a single cluster, which is updated every four months by information obtained from each of the member institutions of the National Board, including the Ministry of Education, the Ministry of Health, the Ministry of Labour, the Ministry of Justice, the Dominican Municipal League and children's NGOs, and from their respective programmes and services, with a view to mapping national policies on children in the country.

<sup>19</sup> Conducted in Panama with the participation of the following eight Latin American and Caribbean countries: Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

<sup>20</sup> Collects information from the member countries of the Lisbon Convention: Argentina, Bolivia, Brazil, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela.

<sup>21</sup> A system for gathering information from Haitian children and adolescents who received care in the Dominican Republic following the earthquake in Haiti on 11 January 2010.

<sup>22</sup> See note 20 above.

---

*Year*      *Process*

---

To this end, the State party considers it wise to put in place a body to manage the system of statistical indicators and information on children and adolescents in the Dominican Republic in order to follow up on the Millennium Development Goals (MDGs). This managerial body will be responsible for gathering the information in a single cluster, analysing it and periodically disseminating it both to international organizations and to national institutions in accordance with Act No. 136-03 (Code for the System of Protection and Fundamental Rights of Children and Adolescents).

---

52. There is also a need to establish a children's rights monitoring observatory and carry out a social sector expenditure analysis.

53. The Catholic University of Santo Domingo, supported by UNICEF, set up a child and adolescent rights monitoring observatory of the Dominican Republic on 29 September 2010. The observatory is engaged in a country analysis of the situation of children and adolescents.

*a. Juvenile courts*

54. There are currently 23 courts of first instance, of which seven have been divided into criminal divisions and civil chambers, five appeals courts for children and adolescents and 11 courts to monitor the enforcement of sanctions imposed on adolescents. Throughout the current period, owing to financial restrictions, it has not been possible to put into operation any new judicial bodies for children and adolescents.

*b. Public Prosecution Service for children and adolescents: actions and achievements*

55. Taking into account the evaluation made of the legal framework for protection (evaluation of Act No. 136-03), and in accordance with the recommendation in paragraph 9 of the Committee's concluding observations, the Attorney-General's Office has taken a series of important measures that are included in this report among the advances achieved by the country, including the plan to modernize public prosecution services for children and adolescents and juvenile courts. On 15 June 2011, the Attorney-General's Office opened nine offices<sup>23</sup> of the Public Prosecution Service for children and adolescents in San Cristóbal.

56. A further advance made by the Attorney-General's Office during the reporting period was the building of a new Comprehensive Care Centre in Manoguayabo, with an intake capacity of 90 boarders, thereby helping to avoid overcrowding.

57. To consolidate the responsibilities of the Attorney-General's Office under Act No. 136-03, a strategic plan was adopted in 2010 which includes an action line under objective 4 concerning comprehensive care for adolescents in conflict with the law. Another action line, under objective 7, is designed to broaden the scope and strengthen the role of the Public Prosecution Service in civil proceedings and institutions for children, adolescents and the family. Achievement of these objectives will help to strengthen jurisdiction in juvenile matters and ensure observance of local and national rules.

---

<sup>23</sup> The new offices were fitted out with modern technological equipment in order to ensure efficient, high-quality service and provide staff with the tools needed for the optimum and timely performance of their work. The San Cristóbal special prosecution service for children and adolescents is seeking thereby to honour its firm commitment to continue its work of conciliation, respect for and defence of the interests of children and adolescents.

58. Currently, in 2011, the Attorney-General's Office is carrying out its annual operating plan, which includes a focus on children and adolescents that will offer opportunities to introduce new programmes and projects for improvements.

59. One of the main challenges facing the Attorney-General's Office in ensuring care and protection for children and adolescents concerns the financial resources needed to continue developing and expanding the service in the manner called for both by the Committee's recommendations and by the evaluation report on the Act.<sup>24</sup>

60. The National Directorate for the Comprehensive Care of Adolescents in Conflict with the Law needs to be adequately funded. Moreover, it requires the support of both the Attorney-General's Office and CONANI, as laid down in article 362 of Act No. 136-03.<sup>25</sup>

61. One of the structural problems not resolved by the system of protection and still persisting in the period of transition from Act No. 14-94 to Act No. 136-03 concerns the transfer or referral to the Attorney-General's Office of the comprehensive care (detention) facilities, which remain under the authority of the Ministry of Health.<sup>26</sup> For the Ministry of Health, it would be a distraction from its role as the governing body in matters of health if it were to concern itself with adolescents subject to judicial sanction in detention facilities. This inconsistency in the system of protection has been addressed by an inter-agency commission, which has made concrete proposals to resolve the situation and prevent any further weakening of the structures legally required to fulfil that purpose.

62. A further major challenge concerns the need for more personnel and for more systematic work assignment to specialized protection teams. There is also a need for continuing training activities for officials in the Public Prosecution Service for children and adolescents and for others in the justice system.

63. Internal conditions in the comprehensive care (detention) facilities are in need of improvement. Staff and officials of the Public Prosecution Service have been made aware of the importance of showing respect for adolescents in conflict with the law. Benchmarks and policy frameworks are in place to ensure enforcement of penalties in accordance with court rulings.

64. During the current period, advances have been made in consolidating the specialized judicial police service for children and adolescents: its personnel numbers have tripled, rising from only 100 officials in the previous period to 300 at the present time. Its investigative role, provided for by article 259 of Act No. 136-03, has taken second place to its security functions in detention facilities. A working group has been set up to address this issue and continue to consolidate the service.

<sup>24</sup> With the exception of the National Coordination Office on Children and Adolescents of the Attorney-General's Office, which receives a fixed allocation of resources, the other services do not have their own budgets. However, they are included in the general budget of the Attorney-General's Office. For example, two centres run by the Amigonian Fathers receive a grant from the Office and other centres have a small allowance, while all the technical and administrative personnel are on the Office's payroll; likewise, members of the specialized judicial police assigned to the detention facilities receive a grant-in-aid (see annexed budget chart 2009/10).

<sup>25</sup> Article 362 stipulates that "the National Council for Children and Adolescents and the Attorney-General's Office shall receive, under their respective budgets, allotments for staff costs, detention facilities and the various alternative programmes and projects of the National Directorate for the Comprehensive Care of Adolescents in Conflict with the Law.

<sup>26</sup> This inconsistency has persisted for seven years even though proposals have been made for the facilities to be duly transferred as required by Act No. 136-03. The mission and goals of the Ministry of Health do not make it suited to exercise oversight over these facilities and the health sector reforms do not assign to the Ministry any role in running them.

65. Remaining challenges include the securing of a specific budget for the specialized judicial police, raising the levels of training and awareness of its members and strengthening its investigative functions in criminal cases involving adolescents

### **C. Policies in support of the fundamental rights of children and adolescents**

66. Since the establishment of the programme of social protection under Executive Decree No. 1554 of December 2004, policies and mechanisms have been put in place to ensure systematic social protection measures and services, including the introduction of a mechanism for the geographical and individual orientation of action by the State in favour of the most vulnerable groups. Since 2009, the country has been steadily engaged in the formulation, public discussion and finalization of the national development strategy.

#### **The national development strategy as a tool for coordinating development**

67. The national development strategy, drawn up between 2009 and 2010 and submitted by the executive authority to Congress on 11 March 2011, sets out the following vision of the nation that the citizens of the Dominican Republic wish to see in place by the year 2030: “the Dominican Republic is a thriving country where people live in dignity, attached to ethical values and within the framework of a participatory democracy that ensures the social and democratic rule of law and promotes equity, social justice and a more egalitarian society, that manages and develops its resources so as to advance in an innovative and sustainable direction, while maintaining its territorial integrity, and becoming a competitive player in the world economy”. For the current period, we report to the Committee on the result of a long process<sup>27</sup> of study, analysis, reflection, debate, consultation and consensus-building on the country’s development.

68. In November 2009, the Executive, through the Ministry of the Economy, Planning and Development and the National Council on State Reform, submitted to the whole of Dominican society an initial version of the draft national development strategy bill<sup>28</sup> and a core document entitled “National development strategy: a journey of change towards a better country”.

69. Throughout 2010, a wide range of representative sectors and organizations of Dominican society reviewed, discussed and built a consensus around the proposed national

---

<sup>27</sup> Political organizations, trade unions, business associations, non-governmental organizations, academic, religious, cultural, sports and municipal organizations, as well as mutual benefit organizations, local development associations and international cooperation agencies also participated in this process. On the basis of their experience and direct knowledge of the actual situation in their respective sectors, they all brought ideas and suggestions on how to overcome problems, address the challenges and make the most of existing opportunities. The judiciary, the Board of Auditors, the Dominican Federation of Municipalities and institutions of the executive branch also provided input on the basis of their experience as public policy makers.

<sup>28</sup> It is hoped that the national development strategy for 2013 will be a national undertaking under the responsibility of everyone. For that reason, special importance attaches to those proposals aimed at promoting the active and responsible participation of the population, as only the shared responsibility of all will make it possible to achieve the momentum required to transform the Dominican Republic into a nation free of poverty and inequity, where people can live in dignity within the framework of the social and democratic rule of law. Responsibility for translating the 2030 national development strategy into law rests with the legislature, but responsibility for translating it into reality rests with all Dominicans.

development strategy. Adolescents and young people<sup>29</sup> were involved in the process, allowing them to start participating in and help shape the building of a democratic society.

70. The new model is based on four tightly overlapping strategic planks and calls for advances on all fronts in order to achieve solid progress towards the goals set for the country. To these four strategic planks are linked six cross-cutting policies, with 19 general objectives, 57 specific objectives, 441 strategic action lines and 87 indicators. In the strategy, 13 specific objectives and 26 action lines refer to the protection of children's rights and, more specifically, 13 action lines are directed towards special protection against all forms of abuse and commercial sexual exploitation. This clearly shows the importance attached by the country to the protection of the rights of children and adolescents.

71. Once the 2030 national development strategy has been signed into law, its objectives and action lines will constitute the central frame of reference for public policy, with a follow-up structure headed by the Economic and Social Council, whose membership includes representatives of the main sectors of national life. Political groups, consultative bodies, social outreach agencies and the National Youth Council will also contribute to follow-up and evaluation.

72. In addition, the national development strategy is the frame of reference for the formulation of the multi-year public-sector national plan, the multi-year budget and its financial framework, and the institutional, sectoral and area-based schedules of the general State budget. This means that all the operations of the various State bodies must be directed towards the achievement of the objectives set out in the 2030 national development strategy and be in accordance with the action lines contained therein.

#### **D. Efforts to combat poverty: social programmes: advances and challenges**

73. With regard to the recommendation in paragraph 12 of the concluding observations concerning the coordination of a national plan of action<sup>30</sup> with a view to more efficiently linking together actions in favour of children and adolescents; the recommendation concerning resource allocation (par. 20), which calls for greater resources for the protection of children and adolescents; and also the recommendation (par. 31) concerning the need to incorporate the principle of the best interests of the child in various measures and procedures, including social policies: the Dominican State reports on its efforts to combat poverty in the current period in the form of its strategy for a greater social impact on vulnerable children. Through its Solidarity Programme,<sup>31</sup> it provides support for improved income and human capital investment in extremely and moderately poor families throughout the national territory.

74. On the basis of non-discrimination, social participation and transparent management, beneficiary families and the Government assume shared responsibilities for giving priority assistance to children and adolescents. The Solidarity Programme<sup>32</sup> provides an effective

<sup>29</sup> See section on participation: participation of adolescents in the national development strategy.

<sup>30</sup> See the information in the report concerning the national development strategy, which provides the country with a benchmark for harmonizing and linking together national actions, programmes, projects and plans carried out in every sector relating in any way to children and adolescents.

<sup>31</sup> This is a conditional cash transfer programme aimed at preventing the transmission of the causes of continuing poverty from parents to children.

<sup>32</sup> Coordination of the Solidarity Programme is ensured by three offices in the Social Policy Coordination Department performing different functions: (1) A single beneficiary system: selection and classification of households; (2) Solidarity: programme management; and (3) Social subsidy administration: treasury and payment of transfers.

means of giving effect to the recommendation contained in paragraph 14 of the concluding observations concerning the inter-agency coordination of social protection efforts, particularly within the framework of the system of rights protection.

75. The Conditional Cash Transfer Solidarity Programme serves extremely and moderately poor households in all regions and provinces of the country. In December 2007, there were 309,281 beneficiary households and in December 2008 the Programme achieved a national coverage of 461,446 beneficiary households. In 2009, the coverage was 532,976 and, in 2010, 538,573. The current coverage of beneficiary households is 494,964. The decline in the number of households is due to the fact that there are penalties for failure to discharge shared responsibilities for health and education, in other words, for the failure of families to protect the rights of children insofar as this is a source of direct harm to those concerned.

76. The following figures and components show the direct support effectively provided for vulnerable children and adolescents, especially those subjected to child labour.

77. **Health component:** linked to the “Eating comes first” transfer scheme. Support for extremely and moderately poor households through direct cash assistance, which helps them to meet their basic food needs in commercial establishments belonging to the social food support network. The transfer is conditional on the fulfilment by households of health commitments, determined in coordination with the Ministry of Health. Target groups are: pregnant women, children under the age of five, adolescents between the ages of 10 and 15 and adults aged 65 and over.

78. **Nutrition subcomponent:** support for households with children under the age of five through food education and delivery of a powdered micronutrient mix known as *Solidarity sprinkles*. This subcomponent has benefited from the technical assistance of the World Food Programme, which coordinates its action with the Ministry of Health throughout the national territory.

#### Number of children and adolescents benefiting from health component outreach

Actions	Boys and girls (0–5 years)			Number of adolescents (10–15 years)		
	Boys	Girls	Total	Boys	Girls	Total
Growth and development consultation, complete vaccination programme, provision of micronutrient						
Comprehensive adolescent care	20 981	20 066	<b>41 047</b>	155 078	149 522	<b>304 600</b>

Source: SIPS, Solidarity Programme, June 2011.

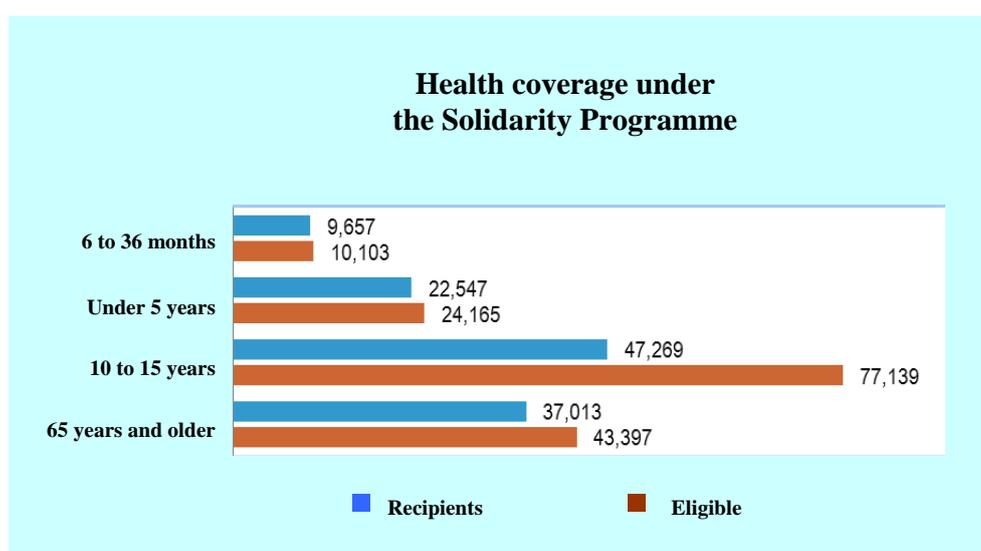
79. **Education component:** linked to the educational assistance incentive transfer (ILAE). Cash support for households with children and young people between the ages of 5 and 21, for school expenses. This transfer is conditional on the fulfilment by households of educational commitments: school enrolment, continued school attendance until completion of basic and middle level education, with targets established in coordination with the Ministry of Education.

### Number of children, adolescents and young people covered by the education component

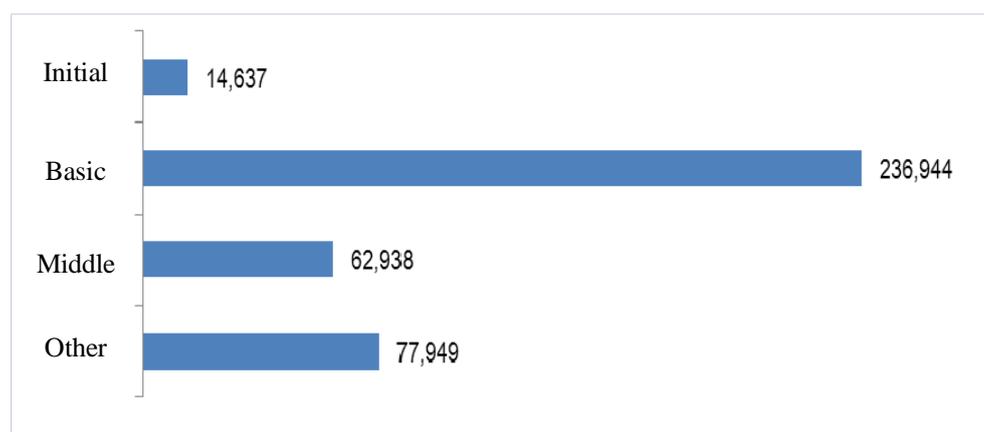
Actions	Children, adolescents and young people aged 5–21		
	Male	Female	Total
Monitoring of school enrolment and continued attendance until completion of basic and middle level education.	366 244	351 437	<b>717 681</b>

Source: SIPS, June 2011.

80. **Health coverage by target group:** As can be seen, the programme gives priority to children under the age of 5 years eligible for services because of poverty. The challenge is to continue increasing coverage for adolescents.

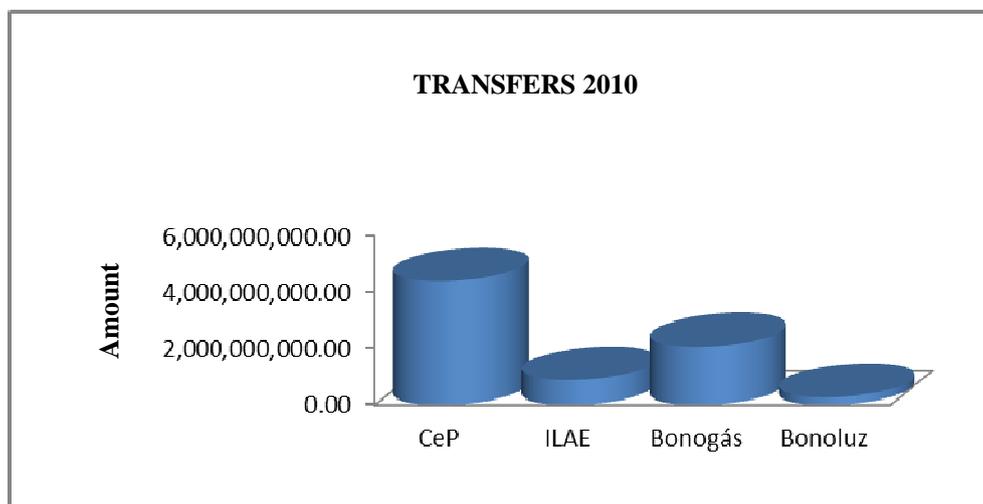


### Educational coverage by educational level



### Cash transfers and targeted subsidies 2010

81. Cash transfers to beneficiary families in 2010 amounted to RD\$ 7,628,184,873.40, broken down as follows: RD\$ 4,406,197,600.00 for the “Eating comes first” subsidy (CeP); RD\$ 876,832,500.00 for the school attendance incentive (ILAE); RD\$ 2,070,706,260.00 for the household gas subsidy (Bonogás); and RD\$ 274,448,513.40 for the household lighting subsidy (Bonoluz).



### Expected impact on the population: objective 2011

	<i>Number of beneficiaries cep</i>	<i>Eating comes first (RD\$)</i>	<i>Number of beneficiaries ilae</i>	<i>School attendance incentive (RD\$)</i>	<i>Number of beneficiaries Bonogas</i>	<i>Bonogas (RD\$)</i>	<i>Number of beneficiaries bonoluz</i>	<i>Bonoluz (RD\$)</i>
January	530 000	371 000 000.00	215 000	145 000 000.00	760 000	174 192 000.00	135 960	35 540 623.80
February	530 000	371 000 000.00	275 000	186 000 000.00	760 000	174 192 000.00	155 960	40 768 723.80
March	530 000	371 000 000.00	0	0.00	760 000	174 192 000.00	175 960	45 996 823.80
April	600 000	420 000 000.00	295 000	200 001 150.00	810 000	184 680 000.00	195 960	51 224 923.80
May	600 000	420 000 000.00	0	0.00	810 000	184 680 000.00	215 960	56 453 023.80
June	600 000	420 000 000.00	295 000	200 001 150.00	810 000	184 680 000.00	235 960	61 681 123.80
July	600 000	420 000 000.00	0	0.00	810 000	184 680 000.00	255 960	66 909 223.80
August	600 000	420 000 000.00	0	0.00	810 000	184 680 000.00	275 960	72 137 323.80
September	600 000	420 000 000.00	0	0.00	810 000	184 680 000.00	295 960	77 365 423.80
October	600 000	420 000 000.00	361 634	245 177 002.98	810 000	184 680 000.00	315 960	82 593 523.80
November	600 000	420 000 000.00	0	0.00	810 000	184 680 000.00	335 960	87 821 623.80
December	600 000	420 000 000.00	361 634	245 177 002.98	810 000	184 680 000.00	355 960	93 049 723.80
<b>Total</b>		<b>4 893 000 000.00</b>		<b>1 221 356 305.96</b>		<b>2 184 696 000.00</b>		<b>771 542 085.60</b>
								<b>9 070 594 391.56</b>

82. The positive impacts of targeted action to reduce inequality can be seen. Progression of the Gini inequality index from April to October 2010 shows a drop from 0.51 to 0.49, which reflects improved national income distribution during the period studied. The income ratio between quintile 5 and quintile 1 was 14.9 to 14.2 from April to October 2009. These results are largely due to the impact of the conditional transfer programmes and reduced out-of-pocket expenditure by beneficiaries of the subsidized family health insurance scheme of the Dominican Social Security system (see annex).

83. **Project on the eradication of child labour:**<sup>33</sup> An action specifically directed towards the eradication of child labour was included in the Hemispheric Agenda on Decent Work adopted at the ILO<sup>34</sup> Sixteenth American Regional Meeting held in Brasilia in 2006. This is a coordinated policy strategy combining economic, legal, institutional and labour market measures aimed at promoting decent work in the countries of the Americas.

84. The target population ranges from the ages of 5 to 18 and currently numbers 635,843, of whom 311,759 are girls and 324,084 are boys.

<b>Targets for 2020</b>
<p>Number of poor and needy households benefiting from the Conditional Cash Transfer Solidarity Programme with children and adolescents under the age of 17.</p> <ul style="list-style-type: none"> <li>• Baseline , 2008: 376,998; target for 2015: 425,000; target for 2020:500,000</li> </ul>
<p>Estimated number of children and adolescents protected from the risks of child labour through the Conditional Cash Transfer Solidarity Programme</p> <ul style="list-style-type: none"> <li>• Baseline 2008: (not available*); target for 2015: 425.000; target for 2020: 500.000</li> </ul>
<p>Estimated number of children and adolescents withdrawn from child labour as a result of the Conditional Cash Transfer Solidarity Programme</p> <ul style="list-style-type: none"> <li>• Baseline 2008: (not available*); target for 2015: 75.000; target for 2020: 100.000</li> </ul>

<sup>33</sup> This project is complementary to the project on the promotion of job self-creation, which consists in providing beneficiaries of the Solidarity Programme with opportunities for decent self-employment, with prospects and educational stimulation. This can provide a source of income from the very first day and thus help to ensure that beneficiary households do not depend exclusively on allotted transfers but can build a future by themselves and achieve greater economic stability. In the first stage of the project, a selection will be made of 1,000 heads of households benefiting from the Programme in the provinces of Santo Domingo, Distrito Nacional, Monseñor Nouel and San Juan. The persons selected will be authorized agents and will have the daily task of creating the largest possible portfolio of direct clients for the sale of electronic top-ups from the company Claro and products of the National Lottery.

<sup>34</sup> International Labour Organization.

**E. Available resources**

<i>Objectives</i>	<i>Budget for ten-year plan target 2010</i>	<i>Approved budget</i>	<i>Implemented budget</i>	<i>Approved budget execution rate</i>	<i>Implemented budget execution rate</i>
Universal access to final stage of early education for five-year-olds	4 114 118 467.00	1 976 936 717.00	1 621 570 582.65	48%	39%
Inclusive quality education for 15-year-olds	36 433 919 684.00	19 020 631 428.00	16 774 660 329.08	52%	46%

*Note:* This budget is for the population of initial and basic education age.

General education budget 2010:

*Internal* source: 37,253,571.00, implemented 35,390,000.00 or 95%.

*External* source: 1,600,141.00, implemented 53.33%.

**Justice****Budget of the judiciary**

<i>Year</i>	<i>Requested</i>	<i>Approved</i>	<i>% Approval</i>
2007	4 869 295 985	3 162 615 367	64.95
2008	5 665 573 939	3 546 363 317	62.59
2009	5 908 898 642	3 552 763 317	60.13
2010	5 911 745 819	3 362 204 138	56.87
2011	6 003 058 168	3 362 204 138	56.01

*Source:* Judiciary Budget Division.

**Budget of the governing body for children and adolescents**

<i>Year</i>	<i>Amount</i>
2007	RD\$ 491 138 096.00
2008	RD\$ 673 766 467.00
2009	RD\$ 741 094 236.00
2010	RD\$ 737 294 873.00

*Source:* Administrative records, Financial Management, CONANI

### International cooperation

*International cooperation with governing body/system of protection: programmes-projects-donations*

<i>Date</i>	<i>Donor and/or cooperation partner</i>	<i>Cooperation: type/purpose</i>	<i>Estimated amount</i>
2007		Extra-budgetary income to cover operating costs and assistance costs	RD\$ 96 827 422.00
2008	Junta Castilla y León I, Valladolid, Spain	To carry out three pilot projects on child protection in the municipalities of Boca Chica, Salcedo and Pedernales, with the aim of funding the establishment of local committees for the protection and restoration of rights and the implementation of the Family Action Programme. The total amount of the grant is €29,233, which has been received through a number of allotments.	RD\$ 9 632 459.00
2009	UNICEF	UNICEF-Dominican Government cooperation plan for the launching of a strategic agenda	RD\$ 75 807.00
2009	Junta Castilla y León II	To carry out three pilot projects on child protection in the municipalities of Boca Chica, Salcedo and Pedernales, with the aim of funding the establishment of local committees for the protection and restoration of rights and the implementation of the Family Action Programme.	RD\$ 2 087 138.00
2010	UNICEF	Emergency funds donated through UNICEF.	RD\$ 8 868 911.00
2010	UNICEF	Protocol on the protection of vulnerable Haitian children and adolescents present in the Dominican Republic following the earthquake in Haiti.	RD\$ 8 320 261.00
2010	Junta Castilla y León III	To carry out three pilot projects on child protection in the municipalities of Boca Chica, Salcedo and Pedernales, with the aim of funding the establishment of local committees for the protection and restoration of rights and the implementation of the Family Action Programme	RD\$ 1 188 545.00
2011	Government of Andorra, Spain	To equip the La Fe Comprehensive Care Centre.	RD\$ 1 191 124.00

---

*International cooperation with governing body/system of protection: programmes-projects-donations*


---

<i>Date</i>	<i>Donor and/or cooperation partner</i>	<i>Cooperation: type/purpose</i>	<i>Estimated amount</i>
2011	UNHCR, United States	To seek lasting solutions for Haitian child and adolescent victims of the Haiti earthquake and to strengthen the system of protection through the development of activities for children and adolescents in vulnerable situations, with the operation of the local committees for the protection and restoration of rights and the development of the foster family programme. The total amount of the grant is \$90,000, which will be received through a number of allotments	RD\$ 1 841 292.00
2011	FONPER	To build the La Fe Comprehensive Care Centre. The total amount of the grant is RD\$ 52,726,635, which will be received in two allotments.	RD\$ 5 000 000.00
2011	UNICEF	UNICEF-Dominican Government cooperation plan for the launching of a strategic agenda	RD\$ 1 673 500.00
2011	AGCI, Government of Chile	Ibero-American Children's Fund – Dominican Republic project to reduce the number of street children and strengthen the system of protection. The total amount of the grant is \$92,000.00, which will be received through a number of allotments.	RD\$ 849 279.00
	ILO	Cooperation programme with the Dominican Government on child labour.	
	Inter-American Children's Institute	Regional programme: planning of policies on children and adolescents	Not determined
	Ibero-American General Secretariat	Ibero-American programme on public policy for children and adolescents	

---

*Source:* Administrative records, Financial Management, CONANI

## II. Definition of the child

### A. Definition

85. A child is considered to be any person from birth up to the age of 12 inclusive, and an adolescent, any person<sup>35</sup> from the age of 13 until the age of majority.<sup>36</sup>

#### Rights-oriented approach

##### Total population by gender and age group

<i>Breakdown</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>2005</i>	<i>2010</i>	<i>2015</i>
<b>Both genders</b>						
<b>Total</b>	<b>7 179 330</b>	<b>7 885 758</b>	<b>8 553 739</b>	<b>9 226 449</b>	<b>9 884 371</b>	<b>10 496 535</b>
0–4	987 920	1 026 815	1 019 832	1 053 698	1 065 821	1 046 829
5–9	936 497	978 411	1 017 955	1 012 877	1 046 926	1 059 312
10–14	855 437	920 466	963 288	1 003 497	998 486	1 032 669
15–19	782 465	827 116	894 229	939 086	979 241	974 612
<b>Men</b>						
<b>Total men</b>	<b>3 612 513</b>	<b>3 960 814</b>	<b>4 287 520</b>	<b>4 615 274</b>	<b>4 935 282</b>	<b>5 231 864</b>
0–4	502 696	522 900	519 520	537 020	543 574	534 200
5–9	475 794	497 238	518 094	515 417	533 013	539 710
10–14	429 845	463 771	486 967	509 330	506 690	524 358
15–19	388 251	411 813	447 331	472 387	494 717	492 322
<b>Women</b>						
<b>Total women</b>	<b>3 566 817</b>	<b>3 924 944</b>	<b>4 266 219</b>	<b>4 611 175</b>	<b>4 949 089</b>	<b>5 264 671</b>
0–4	485 224	503 915	500 312	516 678	522 247	512 629
5–9	460 703	481 173	499 861	497 460	513 913	519 602
10–14	425 592	456 695	476 321	494 167	491 796	508 311
15–19	394 214	415 303	446 898	466 699	484 524	482 290

*Source:* UAAES, Ministry of the Economy, Planning and Development, on the basis of population estimates and projections 1950–2050. Revised in 2007. Volume I. National Statistics Office (ONE) 2008.

86. It is important to note that in the Dominican Republic life expectancy has increased, rising from 69 years in 1994 to 72 years in 2009, which is reflected in the child and adolescent population.

<sup>35</sup> In order to address the situation of children with disabilities involved in criminal proceedings, either as victims or as defendants, the judiciary has put in place an arrangement for the hiring of sign language interpreters in accordance with the principle of non-discrimination.

<sup>36</sup> Act No. 136-03 (Code for the system of protection of the rights of children and adolescents), principle II.

<i>Breakdown</i>	<i>1990–1994</i>	<i>1995–1999</i>	<i>2000–2004</i>	<i>2005–2009</i>
<i>Life Expectancy from birth by gender (Years)</i>				
Both genders	69.1	70.1	71.2	72.2
Men	66.5	67.3	68.1	69.2
Women	71.9	73.1	74.4	75.5
0	69.1	70.1	71.2	72.2
1	71.5	72.1	72.7	73.4
<i>Life expectancy of children and adolescents</i>				
5	68.1	68.5	69.0	69.7
10	63.3	63.7	64.1	64.8
15	58.4	58.8	59.3	59.9
20	53.8	54.2	54.6	55.2

## B. Legal capacity to marry

87. In the Dominican Republic, persons under the age of 18 may not marry without the consent of their parents or surviving parent.<sup>37</sup> The law also adds a minimum age restriction, subject to dispensation by a lower court judge. Exceptionally, a lower court judge might waive the age restriction.<sup>38</sup>

## C. Labour situation

88. Act No. 136-03 (Code for the System of Protection and Fundamental Rights of Children and Adolescents) establishes the right of children and adolescents to be protected from economic exploitation.<sup>39</sup> Act No. 137-03 on migrant smuggling and trafficking in persons<sup>40</sup> and Act No. 16-92 on the Dominican Labour Code, in particular, constitute the legal basis for action against child labour in the Dominican Republic.

89. As a member of the International Labour Organization (ILO), the Dominican Republic is a party to the 1973 ILO Minimum Age Convention (No. 138)<sup>41</sup> and to the 1999 ILO Convention on the worst forms of child labour (No. 182).<sup>42</sup>

90. With regard to the protection of children and adolescents, it must be said unconditionally that there is a zero tolerance policy towards child labour in the Dominican Republic, despite the number of violations that are known to have occurred.

91. The Dominican State gives special attention to the measures taken to protect children and adolescents from labour exploitation. The Executive accordingly issued Decree No. 566-01 amending Decree No. 144-97, setting up the National Steering Committee to Combat Child Labour.

<sup>37</sup> Act No. 659 concerning the Civil Status Acts of 1944, article 52-2.

<sup>38</sup> Article 56 (5) of Act No. 659.

<sup>39</sup> Article 34 and subparagraph of Act No 136-03.

<sup>40</sup> Promulgated by the executive branch on 7 August 2003.

<sup>41</sup> Ratified on 15 June 1999.

<sup>42</sup> Ratified on 15 November 2000.

92. Even though there was a gradual decline in violations of those provisions during the period 2003–2009, they continue to occur despite the efforts of the authorities and various organizations of Dominican society. A recent ILO study, endorsed by the Ministry of Labour, revealed that 430,000 minors in the country are subjected to child labour and that girls are the worst affected, because of sexual exploitation. In June 2009, the Ministry therefore launched a project under the title “Give girls a chance, stamp out child labour”, specifically aimed at preventing and eradicating the worst forms of child labour. As these are prevalent mainly in the informal sector, in small businesses and domestic and agricultural work, this adds to the difficulty of imposing penalties and wiping it out once and for all.

93. To combat and completely eradicate this scourge, the National Steering Committee to Combat Child Labour,<sup>43</sup> chaired by the Ministry of Labour, relies on 31 municipal committees and three local committees which form in turn watchdog networks, grouping together governmental, business, trade union and civil society institutions. The Committee implements the National Strategic Plan for the eradication of the worst forms of child labour 2006–2016, which has already safeguarded and protected 27,300 minors in situations of risk and labour exploitation, while a further 5,574 have been similarly helped by the programme of educational initiatives to eradicate child labour.

94. The authorities have started implementing an additional programme whose ultimate goal is to prevent child labour and whose target is to remove 8,500 minors from labour exploitation.<sup>44</sup> One result has been the considerable drop in the number of children and adults subjected to the worst forms of child labour, falling from 9.3 per cent of children in 2004 to 6.4 per cent in 2008.<sup>45</sup> The same Ministry, in collaboration with civil society, trade union and employers’ organizations, continues to be actively associated with the ILO Programme for the Elimination of Child Labour.<sup>46</sup>

95. In addition, the Ministry of Labour systematically checks that there are no minors in employment.<sup>47</sup> To step up efforts to combat child labour, the Ministry of Labour, operating

<sup>43</sup> The National Steering Committee to Combat Child Labour, chaired by the Ministry of Labour, is also composed of the Ministries of Education, Sport, Public Health and Social Welfare, Women, Youth, the Economy, Planning and Development, and Agriculture, and the National Council for Children and Adolescents, the Office of the First Lady, the Dominican Municipal League, the Solidarity Programme, Muchachos y Muchachas con Don Bosco, Visión-Mundial RD, the National Trade Union Council, the National Private Business Council, the National Confederation of Dominican Workers, the Family Institute, the Confederation of Management of the Dominican Republic, the Dominican Technical Development System, UNICEF and ILO.

<sup>44</sup> The National Steering Committee to Combat Child Labour has launched a series of actions, of which the following are particularly significant: establishment of the self-managing Child Labour Unit; implementation of the National Strategic Plan for the Eradication of the Worst Forms of Child Labour 2006–2016, designed as a comprehensive response to the issue; resolutions 29-1993 on light work, 31-1993 on night work by minors in concerts and theatre performances, 52-2004 on dangerous and insalubrious work by persons under the age of 18, and 37-2005, which provided for the establishment of local steering committees for the prevention and eradication of child labour.

<sup>45</sup> Source: National Labour Force Survey, Central Bank of the Dominican Republic, October 2004 and 2008.

<sup>46</sup> The aim of this programme is to remove 2900 minors from situations of labour exploitation and prevent them from being replaced by others or from entering the labour market. Its sphere of impact is the agricultural sector, particularly rice growing.

<sup>47</sup> For example, the Ministry of Labour systematically checks that there are no minors employed in the planting, cutting, hauling and transportation of sugar-cane. For this purpose, it uses the services of 203 inspectors, all of whom have received special training in detecting and eliminating the worst forms of child labour. In partnership with the NGO Visión Mundial, it has launched a programme

alone or in partnership with a group of private companies and civil society organizations, is improving its services to ensure that all minors are in the classroom and not in the workplace.

96. A group of private companies and civil society institutions, in collaboration with the United States Department of Labor, are for their part carrying out a project under the title “Educating to combat child labour exploitation”, administered by a Dominican NGO, EDUCA.<sup>48</sup> In just one of the sugar mill villages (*bateyes*) in the San Pedro de Macorís region there are already 14 “Space to grow” centres in operation, with the collaboration of Save the Children and other local NGOs, such as the Dominican Institute for Comprehensive Development.

97. A six-pronged operation known as the Road Map<sup>49</sup> is currently being carried out to make the Dominican Republic a country free of the worst forms of child labour. The six prongs are: (1) combating poverty and child labour; (2) health policy and child labour; (3) education policy and child labour; (4) normative and institutional framework for comprehensive rights protection; (5) social awareness and mobilization; and (6) development of knowledge and policy monitoring mechanisms contributing to efforts to combat the worst forms of child labour.

#### **D. Military recruitment**

98. In the Dominican Republic there is no compulsory military service; in the event of war, children and adolescents receive priority protection in accordance with their best interests.

#### **E. Criminal responsibility**

99. In accordance with the Code for the system of protection of children’s and adolescents’ rights, children under the age of 13 years cannot be held criminally responsible. For the purposes of the law, the legal age applies on the day following the child’s birthday.

#### **F. Deprivation of liberty**

100. In no case can children under the age of 13 years be held criminally responsible and it is therefore prohibited for any authority to hold them in detention, deprive them of liberty or submit them to any kind of penalty entailing the suppression of their freedom.<sup>50</sup> For

---

entitled “Against child labour” in support of minors who live in sugar mill villages (*bateyes*) near the sugar plantations of Barahona, Bahoruco and Independencia.

<sup>48</sup> The aim of the project is to avert the risks of minors being exposed to the labour market and to sexual exploitation. Administered by EDUCA, with the backing of the Dominican Government and the United States Department of Labor, it seeks to reach 10,000 minors through “Space to grow” centres and occupational microcredit programmes.

<sup>49</sup> The Road Map is a coordinated policy strategy combining economic, legal, institutional and labour market action aimed at promoting decent work in the countries of the Americas (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic). It thus serves as the national strategic framework to attain the targets set under the Hemispheric Agenda on Decent Work, adopted at the ILO Sixteenth Regional American Meeting held in Brasilia in 2006.

<sup>50</sup> Article 223, Act No. 136-03, Code for the system of protection of children's and adolescents' rights.

those between the ages of 13 and 18, a number of penalties exist, including deprivation of liberty, in accordance with the criminal law for adolescents.<sup>51</sup>

101. In the event of the detention of a child or adolescent *in flagrante delicto*, he or she must be brought within the first 12 hours of detention before the Public Prosecution Service for children and adolescents.<sup>52</sup> Likewise, any adolescent arrested by an ordinary police officer must be brought before the said Public Prosecution Service within the same time frame.<sup>53</sup> Furthermore, an arresting official who fails to notify the competent judicial authority and the adolescent's family of the arrest or fails to inform the adolescent of his or her rights or prevents him or her from exercising those rights, as laid down in the Code, shall be punishable by a prison sentence or removal from office.<sup>54</sup> In addition, a competent official who does not, without good cause, allow the adolescent to be released from detention shall be punishable by a prison sentence.<sup>55</sup>

### III. General principles

#### A. Non-discrimination

102. All children and adolescents are protected by law against discrimination on grounds of race, colour, sex, age, language, thought, conscience, religion, belief, culture, political or other opinion, economic status, national, ethnic or social origin, disability, sickness, birth, exposure to risk or any other condition pertaining to the children or adolescents, or to their parents, representatives or guardians or to their relatives.<sup>56</sup>

103. Non-discrimination has become one of the guiding principles of public policy.<sup>57</sup> Gender mainstreaming is one example, likewise reflected in the provision of basic health services, with programmes designed for vulnerable groups and/or groups at risk. Similarly, the non-discrimination principle can be seen at work in the education system and in the content of teacher training courses as a specific or crosscutting concern.

#### B. Best interests of the child

104. The Constitution of the Republic of 26 January 2010 gives a special place to the best interests of the child, stipulating in article 56 that special attention should be given to the protection of minors. "The family, society and the State shall give precedence to the best interests of the child or adolescent; they shall be required to assist and protect children and adolescents so as to ensure their harmonious, all-round development and the full exercise of their basic rights".

105. In including the best interests of the child in the text of the Constitution, the Dominican Republic has been guided by paragraph 31 of the Committee's concluding

<sup>51</sup> Article 221 ff., Act No. 136-03.

<sup>52</sup> Article 261 of Act No. 136-03.

<sup>53</sup> Article 265 of Act No. 136-03.

<sup>54</sup> Article 399 of Act No. 136-03.

<sup>55</sup> Article 401 of Act No. 136-03.

<sup>56</sup> See Act No. 136-03, principle IV.

<sup>57</sup> For the current period, none of the institutions involved in the preparation of the report provided concrete information about programmes designed primarily to promote non-discrimination.

observations.<sup>58</sup> The principle of the best interests of the child or adolescent must be observed in all decisions affecting them. In practical terms, in order to protect their best interests, the following factors must be taken into account:

- the opinion of the child or adolescent;
- the need for a balance between rights;
- the requirements of the common good;
- the specific condition of persons in the process of development;
- the indivisibility of human rights; and, in particular,
- the need to give precedence to their rights over those of adult persons.

106. In May 2009, a workshop was held for 56 experts in order to help strengthen the system of protection, having regard to the need for theoretical and practical tools to determine best interests. In May 2011, a workshop was also held for decision-makers representing governmental and non-governmental organizations and cooperation agencies concerned with children and adolescents staying in shelters and children and/or adolescents in vulnerable situations. The investment required was US\$10,000 and the workshop benefited from the financial and technical assistance of UNHCR.

### **C. The right to life, survival and development**

107. Act No. 136-03 establishes that all children and adolescents enjoy the right to life. The State must guarantee this right by means of public policies designed to ensure the survival, health and full development of all children and adolescents.

### **D. The right to participate and be heard**

108. The right to liberty, to participate, to express views and to be heard is enshrined in Act No. 136-03. Moreover, the Dominican Republic is involved in a number of ongoing initiatives to promote the right of participation.<sup>59</sup> CONANI is joining in the work urged by the Inter-American Children's Institute, further to the conclusions of the Twentieth Pan-American Child Congress. The Dominican Republic is one of the countries engaged in this effort to promote the active participation of children and adolescents. It set up accordingly in 2010 a mechanism to ensure their representation and participation in child protection policy-making bodies, in the form of Children's Consultative Councils. CONANI has played an integral part in the development of proposals to promote participation, under the auspices of the Inter-American Children's Institute.

109. In 2009, the CONANI National Board adopted resolution No. 2-2009<sup>60</sup> on the establishment of the Children's Consultative Council of the Dominican Republic. While its

<sup>58</sup> "The Committee recommends that the State party continue its efforts to incorporate the principle of the best interests of the child in all laws, policies and programmes, judicial and administrative procedures".

<sup>59</sup> Article 56.2 of the Constitution of the Dominican Republic, promulgated in January 2010, requires the State to promote "the active and progressive participation of children and adolescents in the family, community and social life".

<sup>60</sup> Resolution No. 2-2009: On 1 October 2009, in accordance with paragraph 1 (e) of article 420 of Act No. 136-03, calling for the establishment of consultative commissions, standing bodies to develop or advise on policy proposals and joint or special programmes and commissions for the study of specific

terms of reference have already been set, efforts are only just beginning to be made to build on experience of participation existing in the country. Some of the measures taken to promote participation in the current period are outlined below.

110. In 2009, the Ministry of the Economy, Planning and Development, with the assistance of UNICEF, and using a completely new methodology, encouraged adolescents to take part in shaping the national development strategy. This was an outright success and an important illustration for CONANI of how such participation can affect the decision-making process.

111. The process of consultation of young people constituted an affirmative action approach to the establishment of consultation spaces formed by the young for the young. Based on this approach, the process began with a focal group exercise aimed at prioritizing topics related to the best interests of young people. The exercise clearly revealed the desire of young people to be consulted on basic issues in the country, and not only on those typically associated with the young, such as information and communication technology, culture and sport. In the light of this, the first youth consultation was held on 1 August 2010 to cover the greater Santo Domingo area, focusing on highlights of the national development strategy.<sup>61</sup> In the rest of August and the beginning of September, four additional consultations were held to cover the northern, eastern, southern and north-eastern regions.

#### Overview and breakdown of participants in youth consultations

Consultation	Date	Place	Questionnaires	Participants Female		Participants Male		Participants 13 to 18		Participants Over 19		Total participants	
				N	%	N	%	N	%	N	%	N	%
Facilitators (Coord UNICEF)	10-11/7/10	Distrito Nacional, INFAS	4	33	54.1	28	45.9	23	37.70	38	62.3	61	10.3
Ministry of Youth	1/8/10	Distrito Nacional, UASD	8	36	55.4	29	44.6	30	46.15	35	53.8	65	10.9
Northern region (Coord CONANI)	8/8/10	Santiago, Ayunt. Municipal	8	64	55.2	52	44.8	65	56.03	51	44.0	116	19.5

topics, it was unanimously decided to set up an Adolescents' Consultative Council, and the Advisory Technical Committee was asked to prepare draft rules of procedure for the next meeting on the basis of the relevant documents communicated to it by the secretariat of the CONANI National Board.

<sup>61</sup> In early 2010, the Dominican Government submitted for the consideration of the citizens a proposed national development strategy 2010–2030, designed to provide a medium-and long-term public policy framework. To obtain feedback on the strategy, a series of consultations was undertaken in different sectors and areas and among specific population groups. The Ministry of the Economy, Planning and Development requested UNICEF support for the design and implementation of one youth consultation. As part of a coordinated inter-agency approach, UNICEF invited the United Nations Population Fund to co-sponsor the operation. The process also benefited from the active collaboration of CONARE, CONANI, the Ministry of Youth, Visión Mundial, Plan República Dominicana, and other organizations. The aims were as follows: (1) to conduct a consultation on the proposed national development strategy that encourages the participation of adolescents and young people so as to take into account their aspirations and priorities; (2) to achieve educational benefits for the participating young people and adolescents by strengthening their capacity for thinking, their critical participation and their gradual development of a sense of citizenship.

Consultation	Date	Place	Questionnaires	Participants Female		Participants Male		Participants 13 to 18		Participants Over 19		Total participants	
				N	%	N	%	N	%	N	%	N	%
Eastern region ( <i>Visión Mundial</i> )	13/8/10	El Seybo, Club Faro	8	60	56.6	46	43.4	71	66.98	35	33.0	<b>106</b>	<b>17.8</b>
Southern region (Coord Plan RD)	22/8/10	Azua, Club Luprisma	10	73	54.5	61	45.5	83	61.94	51	38.1	<b>134</b>	<b>22.6</b>
North-eastern region (FINJOLAT)	5/9/10	Las Terrenas, Polideportivo	8	56	50.0	56	50.0	53	47.32	59	52.7	<b>112</b>	<b>18.9</b>
<b>Total</b>			<b>46</b>	<b>322</b>	<b>54.2</b>	<b>272</b>	<b>45.8</b>	<b>325</b>	<b>54.71</b>	<b>269</b>	<b>45.3</b>	<b>594</b>	<b>100.0</b>

112. In 2010, the entire geographical area of the country was covered during the process, which achieved a participation of more than 600 adolescents and young people between the ages of 13 and 24, with a gender balance (see chart) and more than 60 participants serving as facilitators and consultation leaders.

113. Another experience, targeting the local level, is that of the Youth Councils. This is a pro-participation strategy conducted with the technical and financial assistance of UNICEF, in partnership with the Dominican Federation of Municipalities, CONANI and a network of civil society organizations, such as *Visión Mundial*.

114. In various municipalities in the country, the membership of 30 such bodies was selected by the votes of around 240,000 children and adolescents participating in an internal election process, with the support of 3,000 volunteers serving on electoral organization committees and on the basis of projects carried out by the Youth Councils in their communities. Thanks to their spirit of enterprise and creativity, the Youth Councils have implemented 180 projects and initiatives for the benefit of more than 25,000 children and adolescents in the urban, semiurban and rural communities that make up the municipalities concerned.

115. In order to stimulate and develop youth leadership, more than 700 children and especially adolescents were called on to perform executive and managerial roles. They have had behind them 8,000 youth volunteers, together with adult experts and/or activists from sponsoring institutions.

116. As 2010, there were Youth Councils in operation in 12 municipalities in different parts of the Dominican Republic.

#### *Cities with Youth Councils*

<b>Azua</b>	Mao
<b>Bani</b>	Navarrete
<b>Constanza</b>	Villa González
<b>La Descubierta</b>	Villa Altagracia
<b>Guaymate</b>	San José
<b>La Romana</b>	De Ocoa
	Yaguatae

117. Other forms of youth participation have been put into practice in the country. Participation is encouraged in the education system. Pro-participation programmes also carried out by such NGOs as *Visión Mundial* and *Plan Internacional*. The challenge to CONANI, as the governing body, is to ensure that the Children's and Adolescents' Consultative Council is empowered to build directly on these experiences. It is taking cautious steps in that direction. It needs to identify specific resources to develop a pro-participation agenda, with plans that incorporate the sociocultural dimension of a rights-based ethic, promoting an open dialogue without omitting, weakening or supplanting the points of interest put forward by each group, such as environmentalism or sports and recreational activities, with promoters of folklore and other cultural events.

118. CONANI is included in a regional programme carried out by the Inter-American Children's Institute to promote joint efforts by member States of the Organization of American States to develop State policies on children's and adolescents' rights. The Institute's plan of action for the period 2007–2011 includes among its expected results "putting in place measures in support of the right to participation and citizen education of children and adolescents". Activities planned for that period accordingly focus on "conceptualizing the issue as whole", "putting together documents on the issue with countries" and "advising countries on the issue", in particular. As the plan is currently in its final stage, entailing validation of progress and tracing of lines of action, it is hoped that it will give rise to opportunities for dialogue with the representatives of States.<sup>62</sup>

119. With regard to exercise of the right of opinion in judicial matters, the judiciary has mechanisms in place for the taking of evidence from minors concerned by criminal cases as victims or witnesses.<sup>63</sup> These mechanisms involve the advance submission of evidence in interview centres whose purpose is to provide the courts with forensic tools to take statements or evidence from children or adolescents who have been victims or witnesses of criminal offences while safeguarding their rights and their integrity, in accordance with the rules for the protection of their rights and best interests, at the same time helping to improve the administration of criminal justice.

#### **Interviews conducted in 18 months of operation (Distrito Nacional and Santo Domingo province)**

<i>Criminal offence</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Incest	No data available for these years as the centre went into operation in April 2010			22	17
Seduction				6	3
Sexual abuse				30	13
Rape				30	21
Victim of psychological abuse				1	2
Victim of physical abuse				30	
Witness to homicide				7	5
Witness to sexual abuse				1	5
Witness to sexual abuse				-	3

<sup>62</sup> See progress of the Inter-American Children's Institute's regional programme on participation, in Annex 3: CONANI.

<sup>63</sup> A team of behavioural specialists help with the arrangements, in accordance with the best interests of children and adolescents.

<i>Criminal offence</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Migrant smuggling				-	-
Commercial sexual exploitation				6	-
<b>Total</b>				<b>133</b>	<b>69</b>

120. The legal basis for this arrangement is the Convention on the Rights of the Child, the Code for the System of Protection and Fundamental Rights of Children and Adolescents (Act No. 136-03) and resolutions Nos. 3687-2007 and 116-2010. It is planned that, by the end of the current year (2011), interview centres will be set up and put into operation in eight of the country's judicial districts, with closed-circuit television and a Gesell chamber or other technological device, for the conduct of interviews with children or adolescents who have been victims or witnesses of criminal offences.

## IV. Civil rights and freedoms

### A. Name and nationality

121. According to Act No. 136-03, all children and adolescents are entitled to a name and a nationality. They should therefore be identified and registered immediately after birth. To this effect, the Act stipulates that doctors and medical staff assisting the birth are obliged, not later than 12 hours after the birth, to deliver a report on the birth to the parents or guardians of the child, who have been previously identified, and must deliver another report to the authorities responsible for the official registration of the child. It is mandatory for the latter in good time to ensure that the newborn children are identified and that their filial link with the father and mother is established.

122. According to the law, all public and private health institutions, centres and services must keep a register of all births occurring on their premises, by means of individual medical records, which must include, in addition to the relevant medical data, the identification of the newborn child, with fingerprints and footprints, and must give the name and age of the mother and the date and hour of birth, without excluding other possible means of identification.

123. In the case of children who were not born in a public or private centre, where registration has been refused by the authorities responsible for recording the birth in the civil registry, the mother, father, or person responsible, either acting on their own or through a special representative, or through the National Council for Children and Adolescents (CONANI), may request that the juvenile court, subject to proof of the birth, authorize the registration of the child in the civil registry.

124. According to the law, every child and adolescent is entitled to be registered in the civil registry, so that the father, mother or representatives of a child or adolescent has the duty to register the child in the appropriate Civil Registry Office. The State must guarantee that procedures for registering children and adolescents in the Civil Registry Office are free of charge, simple and quick. It must therefore provide the Registry Office with sufficient resources to carry out registrations. Special measures must be taken to facilitate the registration of children and adolescents who were not registered at the time of their birth.

## B. Registration of birth

125. In April 2007, in compliance with the Migration Act (No. 258-04), the Central Elections Board adopted resolution No. 02-2007 on the effective introduction of the Register of Births of Children of Foreign Mothers not resident in the Dominican Republic, known as the immigration registry. All minors born of foreign parents in the country are thus duly recognized by the authorities and may consequently be registered by their parents at the appropriate office.<sup>64</sup> In 2007, 51 children of different nationalities were registered, 483 in 2008 and 122 between January and March of the current year.

126. The immigration registry does not cover newborns or minors of unknown nationality. In such cases, the Dominican Republic, recognizing every person's right to a nationality, grants Dominican nationality in accordance with the Convention on the Reduction of Statelessness, adopted by the United Nations in 1961.

127. To solve the problem of undocumented status, with as many as 600,000 nationals found by the Dominican Government to be without birth certificates in 2004, the Central Elections Board concluded an inter-agency agreement with the Social Policy Coordination Office of the national Government to strengthen and relaunch the Late Registration Unit. From 2004 to 2008, a total of 363,967 previously unreported births were registered, of which 81,680 concerned persons aged 16 and over and 282,287 concerned persons under the age of 16. In addition, in August 2007, Act No. 218-07 was passed, whereby the National Congress established a three-year amnesty for the late registration of the birth of nationals under the age of 16.<sup>65</sup>

128. At the same time, to expedite the collection of the biometric data embedded in the new personal identity cards, the number of documentation centres was increased from 13 to 49 between 2006 and 2008. By late 2008, six service centres, in addition to the existing offices, had been put in place so that citizens can obtain their vital statistics records in digital form quickly and efficiently.

## C. The right to be brought up by one's father and mother

129. Children and adolescents have the right to know their parents. Families are required to create a suitable environment in order to provide for and meet the children's basic needs for development. "A child or adolescent may be separated from his or her family only by court order and solely in the cases provided for in this Code, upon it being established that the family home does not offer an environment in keeping with his or her best interests such as to allow the child or adolescent to develop".<sup>66</sup>

130. The family's right to enjoy the protection of the State is established by law, in article 55 of the Constitution. Paragraph 6 of the same article provides for the protection of motherhood. Article 59 states that the right to housing is of high social interest, while other matters of relevance to family life are taken into account in other articles, namely article 63,

<sup>64</sup> It is difficult to apply this measure to poor or illiterate groups or people living in remote areas, hence the need for a subregistry.

<sup>65</sup> Source: Central Elections Board, DNRC note 5417 of 22 April 2009.

<sup>66</sup> Article 59 of Act No. 136-03 stipulates that "all children and adolescents all children and adolescents have the right to live, to be brought up and to develop within their family of origin. Exceptionally, in cases where this is impossible or contrary to their best interests, they are entitled to live, to be brought up and to develop in a substitute family, in accordance with the Code. The lack of economic resources may never be held as grounds for separating children and adolescents from their family of origin".

on education, article 60, on social security, article 54 on food security, and article 62, on employment.

131. Measures taken by the Dominican State in favour of the family include promulgation of Decree No. 1602-04, which provides for the right to protection of Dominican families. Moreover, 300,000 families living in extreme poverty benefit from the socio-educational Progress Programme operating under the Office of the First Lady, and the National Housing Institute provided 228,789 dwellings between 2003 and 2008 to counteract the housing shortage.

132. The health system has seen notable advances since the adoption of Social Security Act No. 87-01. Coverage under the subsidized family health insurance scheme for the poor rose from 65,000 beneficiaries in mid-2004 to 1,452,434 people nationwide in April 2010. For each member, there are 1.35 dependents, usually children and a spouse. Members of the family health insurance scheme are selected through the Single Beneficiary System (SIUBEN) for the registration of the poor, with a coverage of 5.7 per cent of the poor population. Beneficiaries receive medical services and outpatient treatments and undergo surgery at no cost in public hospitals throughout the country; they also receive subsidies for expensive procedures. From 2004 to March 2010, the Government's total contribution amounted to 6,3284,303,48.73. Following the summit conference on the world crisis in 2009, it was decided to extend membership of the subsidized family health insurance scheme to persons with disabilities and persons affected by the HIV virus, thus bringing 5,547 persons with HIV into the scheme together with 9,506 persons with disabilities, of whom some 20 per cent are children and adolescents.

133. The contributory family health insurance scheme covers 2,556,738 wage earners in the formal sector. The scheme includes a maternity and breast-feeding allowance, which has helped to reduce the number of dismissals of women wage earners as the allowance is not charged to the employer, and in addition it has served to provide newborns with greater protection.

#### **D. Freedom of expression**

134. According to article 15 of Act No. 136-03, all children and adolescents have the right freely to express their opinion, to be heard and to be taken into account, in accordance with the stage of development they have reached.

135. Other domestic legislation to protect this right exists in the Dominican Republic, including the following: (1) Act No. 6132 of 15 December 1962 on the expression and publication of ideas, article 1 of which guarantees the free expression of thought except when detrimental to a person's honour, social harmony or public security; (2) the Code of Criminal Procedure (Act No. 76-02), which, although it does not define freedom of expression per se, nevertheless represents a step forward in the development of legal provisions concerning evidence, which had previously been misused to pressure the media, journalists and individuals in defamation and libel cases when a person claimed that his or her rights had been violated.

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

137. The Dominican Government has not implemented any institutional measures in support of this right because no situations requiring such measures have arisen and because the State has fully complied with the provisions referring to the protection of and respect for the right to freedom of thought, conscience and religion established in the Convention on the Rights of the Child.

## **E. Protection of privacy**

138. The right under consideration is guaranteed by article 44, paragraphs 1 and 3, and article 49 of the Dominican Constitution. These provisions mention the sanctity of the home, the sanctity of correspondence and the penalties to be imposed when a person voices opinions that harm the dignity of another.<sup>67</sup>

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

140. A series of complaints have been made by customers of the telephone companies servicing the country who claim that State bodies, private businesses and individuals were intercepting their phone calls and thereby directly interfering in their private lives. In response, the Dominican Institute of Telecommunications (INDOTEL), in accordance with article 8 of the Constitution, other domestic legislation (General Telecommunications Act No. 153-98) and international law, issued resolution No. 36-00 of 2010, article 1 of which defines the various types of illegal telecommunications interceptions.

141. This resolution clearly establishes the legal mechanism for the interception of telephone calls and other means of communication, along with the penalties and the procedure for lodging an appeal when the regulations governing that mechanism are violated. Article 192 of the Code of Criminal Procedure<sup>68</sup> covers illegal interception.

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

143. Article 18 of Act No. 136-03 establishes that all children and adolescents have the right to the protection of their honour, reputation and image, and to their personal privacy

<sup>67</sup> See [www.suprema.gov.do/codigos/Constitucion.pdf](http://www.suprema.gov.do/codigos/Constitucion.pdf).

<sup>68</sup> Article 192 of the Code of Criminal Procedure states: "Judicial authorization is required for the interception, tapping and recording of communications, messages, data, images or sounds transmitted through public or private telecommunications networks by the accused or any other individual who could reasonably be expected to provide information useful in determining whether an unlawful act has been committed, regardless of the technical means used to acquire the information, in accordance with search regulations." (See [www.suprema.gov.do/codigos/Codigo\\_Procesal\\_Penal.pdf](http://www.suprema.gov.do/codigos/Codigo_Procesal_Penal.pdf).)

and that of their family. These rights may not be exposed to arbitrary or illegal interference by the State or by any natural or artificial person.

**F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

144. In pursuance of this right, the Dominican Republic implements the following domestic legislation in order to ensure that there is no conflict with international standards.

145. Inhuman treatment and torture are prohibited in the Dominican Republic under article 42 of the Constitution.

146. Since 2004, following the entry into force of the Code of Criminal Procedure (Act No. 76-02), the Dominican Republic has initiated a number of substantial changes regarding the police force, security agents and the Public Prosecution Service and has succeeded in expediting criminal proceedings by a factor of more than 1,000 per cent as part of a concerted effort to strengthen the justice system and provide effective responses that uphold human dignity. Guarantees and procedures have been established which, in combination with the swiftness of proceedings and shortened periods of pretrial detention, help to reduce the potential for the excessive use of force or abuse by the police.

147. The Dominican Republic has undertaken the necessary educational and corrective measures with a view to modifying the conduct of the security forces.

148. This specialized department is staffed by both male and female officers who have been trained to work with adolescents and to respect human rights. At the time that an arrest is made, they are required to inform adolescents of their rights and to bring them promptly before the corresponding Public Prosecution Service for children and adolescents. All national police stations are to have a department of this sort to perform the duties assigned to it under the Code.

149. Implementation of this legislation still remains a challenge in the Dominican Republic, as has repeatedly been documented by Amnesty International and the Human Rights Committee.

**V. Family environment and alternative care**

**A. The right to be in contact with the family and parental responsibility**

**B. Separation**

150. The separation of a child or adolescent from the family must be subject to a court order and may be decided only in cases provided for in the Code, if it is found that the family home does not offer an environment in keeping with their best interest, suitable for the development of the child or adolescent. In any event, the family must offer an environment of affection and security, conducive to the full development of children and adolescents. The authority of the father and mother is described in our legislation as a set of duties and rights that pertain equally to the father and mother, with respect to any offspring who have not reached the age of majority.

151. It is to be noted in this connection that the judicial data collection instrument used does not permit the identification of cases where children and adolescents have been

separated from their parents; it does show, however, where custody has been awarded to one of the parents.

152. At the national level, in 2005, 2006, 2007, 2008 and 2009, 4,018 of the cases reported concerned custody, 959 concerned the regulation of visits; final decisions were handed down in respect of 2,677 cases of custody and 779 cases of regulation of visits.

153. With regard to one of the Committee's recommendations following the last report, referring to the inadequacy of judicial statistics, steps have been taken to set up a national justice statistics system, with the technical support of the National Statistics Office, under the auspices of UNICEF. Efforts are currently being made to identify indicators for inclusion in the data collection instruments, relating to the judiciary, the Attorney-General's Office, the Prosecutor-General's Office and the police (see Annex).

<i>Indicator</i>	<i>Percentage</i>
Percentage of children who do not live with either parent	14.8%

*Source:* ONE/ENDESA/2007. See attached Excel tables (V. 28.g\_Adoption).

### **C. Exiting the country**

154. Act No. 136-03 lays down the requirements for children and adolescents to be protected from possible threats to their physical, emotional and psychological well-being when they leave the country. There are also specific regulations concerning air, land and sea travel, which also provide for penalties in the event of non-compliance. Only when a child or adolescent travels with both parents is no authorization required; when he or she is accompanied by only one parent, the authorization of the other is required.

### **D. Illicit transfer and non-return**

155. Resolution 480-2008 (see Annex) adopted by the judiciary sets out the procedure for judicial action for the return of a minor, in accordance with the provisions of the Convention on the Civil Aspects of International Child Abduction.

### **E. Abuse and neglect, including physical and psychological recovery and social reintegration**

<i>Indicator</i>	<i>Percentage</i>
Percentage of children between the ages of 2 and 14 who receive physical punishment	57.4%
Percentage of children between the ages of 2 and 14 who receive moderate physical punishment	56.7%
Percentage of children between the ages of 2 and 14 who receive harsh physical punishment	3.5%
Percentage of children between the ages of 2 and 14 who receive no punishment (of any kind)	1.9%
Percentage of children between the ages of 2 and 14 disciplined by non-violent means	13.6%

*Source:* ENDESA 2007/Information provided by ONE 2006. See attached Excel tables (V.28.i\_Punishment).

## F. Adoption

156. According to article 113 of Act No. 136-03, adoption must be considered only in exceptional cases and in such circumstances as are specified in that Act. From a social and human point of view, adoption is a measure designed to facilitate the integration and protection of children and adolescents within a family environment in accordance with their best interests, subject to the overall supervision of the State authorities.

157. In accordance with this responsibility, the State has put in place the necessary mechanisms to ensure that adoption is not used indiscriminately. To this effect, all administrative procedures must be channelled through the Adoptions Department of the National Council for Children and Adolescents (CONANI) and must be approved by the juvenile court.

158. The CONANI governing body has increased its administrative capacity accordingly. Since 2008, an Adoptions Management service has existed, staffed by trained lawyers, psychologists and social workers. Applicant files and evaluations produce an accumulation of documentation which is managed by suitably qualified personnel.

### Number of adoptions by region and type

Judicial district	Adjudications									
	Adoption 2005		Adoption 2006		Adoption 2007		Adoption 2008		Adoption 2009	
	National	International								
Distrito nacional	14	28	22	17	34	16	23	20	8	5
Santo Domingo	14	0	9	6	23	8	12	2	10	2
Santiago	0	8	3	1	4	2	5	2	3	1
Puerto Plata	0	3	0	0	0	2	1	0	0	1
La Vega	7	5	4	2	4	2	3	0	7	0
San Francisco de Macorís	1	4	5	6	1	1	0	0	0	0
San Cristóbal	5	5	6	0	2	1	1	0	1	1
San Pedro de Macoris	3	2	0	0	1	0	3	1	2	1
Barahona	2	0	1	0	1	0	1	1	1	0
Monte Cristi	0	1	0	0	2	0	1	0	0	0
San Juan de la Maguana	0	3	3	5	0	1	0	0	1	1
<b>Total</b>	<b>46</b>	<b>59</b>	<b>53</b>	<b>37</b>	<b>72</b>	<b>33</b>	<b>50</b>	<b>26</b>	<b>33</b>	<b>12</b>

Source: Judicial Statistics Division of the Judiciary.

\* Irrespective of date of application.

## G. Recovery of maintenance for the child

159. Children and adolescents have the right to receive maintenance from their parents or persons responsible, in accordance with the obligation laid down in article 171 of Act No. 136-03. In the case of children or adolescents with special physical or mental needs, the maintenance provided by the father or mother must be continued until such time as the beneficiary is able to be economically self-sufficient, even after attaining majority. In the event of the decease of the father, mother or person responsible, maintenance must be

provided subsidiarily by siblings who have attained majority, ascendants in order of proximity or collaterals to the third degree or, failing them, by the State, up to the age of 18.

160. If the person under an obligation to provide maintenance is an adolescent, that person's parents will be jointly liable for the maintenance, which they may be called upon to provide. In this case, whatever measures will facilitate the performance of the maintenance obligation may be ordered, except for deprivation of liberty. Moreover, in the event of non-performance, maintenance may be claimed by the mother, father or person responsible having custody and care of the child or adolescent, or by adolescent mothers who are civilly emancipated.

#### **Applications for maintenance filed and adjudicated**

<i>Year</i>	<i>Applications</i>	<i>Adjudications</i>
2005	11 382	9 311
2006	13 689	14 573
2007	18 685	14 997
2008	21 155	17 526
2009	21 733	21 901
2010 (January–September)	16 226	13 848
<b>Total</b>	<b>102 870</b>	<b>92 156</b>

*Source:* Judicial Statistics Division of the Judiciary.

Irrespective of date of application.

<sup>1</sup> Articles 170 to 173 of the Code for the System for the Protection and Fundamental Rights of Children and Adolescents (Act No. 136-03).

<sup>2</sup> Includes applications under Act No. 14-94 (superseded by Act No. 136-03).

## **VI. Basic health and welfare**

161. The Ministry of Health has been taking measures towards achieving the health-related targets of the Millennium Development Goals and to reduce accumulated social debt as well as social and gender inequalities in matters of health. These have been reflected in a decrease in negative indicators and a consolidation of coverage, according to management evaluations made of the country's health system in the last few years.

162. The strategy lines traced out for the implementation of health-related action in the current year were directed towards developing and strengthening service networks, with priority attention to improving primary health care and boosting community health programmes and actions, as well as reinforcing the administrative and financial functions and institutional development of the Ministry, in keeping with its governing role. In addition to the efforts made to modernize and streamline management and increase institutional productivity through the rational and efficient use of resources, each office of the Ministry took a number of measures, which are outlined in this document.

163. In 2010, health policies were aimed at remodelling the Dominican health system as part of the process of change resulting from the laws in force, for which the following strategy lines were mapped out:

(i) Develop and strengthen service networks, with priority attention to improving primary health care through implementation of the new health-care model, with greater and higher-quality coverage, in addition to remedying shortcomings in construction,

adaptation, equipment and resources for primary care accessibility and response capacity and ensuring that greater numbers of poor people in both urban and rural areas benefit from the services of primary care units. The upgrading of the network has involved the building of new hospital centres and the improvement of mother and child services, with the equipment, expansion and renovation of paediatric, childbirth and postnatal facilities, including emergency facilities;

(ii) Strengthen community health programmes through measures to prevent and control avoidable diseases and step up effective prevention programmes at the local level;

(iii) Reinforce administrative and financial functions through streamlined management methods, such as the operation of a one-stop service system and the application throughout the institution (including in local and decentralized offices and in projects) of government purchasing and procurement instruments and mechanisms to guarantee transparency;

(iv) Institutional development of the Ministry, in keeping with its new governing role. The separation of responsibilities is essential and requires a solid governing body that ensures the health of all members of society through non-exclusive quality services within the framework of institutional reform.

## **A. Survival and development**

164. All children and adolescents are subjects of rights. Consequently, they enjoy all the fundamental rights granted to individuals, especially rights relating to their status as developing persons, as well as those set out in the Code on the System for the Protection of Children and Adolescents, the Constitution of the Republic, the Convention on the Rights of the Child and other international instruments. These rights are mandatory, inalienable, interdependent and indivisible.

165. All children and adolescents have the right to life. The State must guarantee this right through public policies aimed at ensuring their survival, health and all-round development.

## **B. Children with disabilities**

166. All children and adolescents have the right to participate freely, actively and fully in family, community, social, academic, scientific, cultural, sporting and recreational activities, as well as to be incorporated gradually into active citizenship. The State, the family and society must create and foster opportunities for the participation of all children and adolescents and their associations. The legal provisions concerning these rights apply equally to all children and adolescents, without discrimination of any kind on grounds of race, colour, sex, age, language, thought, conscience, religion, belief, culture, political or other opinion, economic status, social, ethnic or national origin, disability, sickness, birth, exposure to risk, or any other condition pertaining to the children or adolescents, or to their parents, representatives or guardians, or their relatives.

167. Persons with disabilities are entitled to the full protection of the family — ascendants or collaterals to the second degree — in respect of education, training, socio-economic integration and the minimum maintenance subsidy. The family is responsible for ensuring that members suffering from any form of disability have access to evaluation, diagnosis and treatment services, and may enrol in early stimulation programmes aimed at providing them with socio-educational training, therapeutic treatment and whatever

additional aids are required to enable them to function in life at a level equivalent to that of the rest of the population.<sup>69</sup>

<i>Indicator</i>	<i>Percentage</i>
Children aged between 2 and 9 reported to have at least one disability, as a proportion of the total population	4.5%

*Source:* ENHOGAR 2006, information provided by ONE.

#### *Persons with disabilities by gender and age*

168. The small number of cases noted in younger age groups (e.g. 0–4 and 5–9) may be due to the general underreporting of infant children and, even more, of persons with disabilities in census interviews. It might also be explained by the fact that the most frequent cause of infantile disability is congenital, which in many cases would result in an increase in the number of early deaths in those age groups.

### **C. Health and sanitation**

169. In the past two decades, the Dominican Republic has implemented a number of institutional reforms, including significant changes in the health sector entailing the adoption of a new care model predicated on a primary health-care strategy.

170. Health services operate in networks; primary care is the responsibility of primary care units (UNAPs) working in rural clinics and medical dispensaries and also, in some cases, as a part of sub-centres and basic hospital facilities.

171. These primary care units are backed by the municipal and provincial hospitals (secondary care), to which patients can be referred. Secondary care establishments in turn are backed by and refer patients to regional hospitals (tertiary care)

#### **Percentage of households with sanitary facilities**

<i>Indicator</i>	<i>Percentage</i>
Percentage of households with sanitary facilities	95.7 %
Percentage of households without sanitary facilities	4.8%

*Source:* ENHOGAR 2007, information provided by ONE. See attached Excel tables VI. 31.c.

#### **Dwellings with enhanced sanitary facilities**

<i>Indicator</i>	<i>Percentage</i>
Percentage of dwellings with enhanced sanitary facilities (privy or latrine)	95.9%
Percentage of dwellings with enhanced sanitary facilities (privy or latrine)	96.5%

*Source:* ENHOGAR 2007, information provided by ONE, 2007.

*Note:* Percentage of households using enhanced sanitary facilities (i.e. privy or private sliding drawer latrine).

<sup>69</sup> Disabilities Act No. 42-2000, arts. 2, 3, 5 ff.

#### **D. Social security and childcare services and facilities**

172. The National Council of Childcare Facilities (CONDEI), which was established pursuant to article 137 of Act No. 87-01 establishing the Dominican Social Security System, is charged with the following functions:

173. Formulating policies, rules and procedures for the establishment, design, construction and/or implementation, equipment and operation of childcare facilities; preparing and implementing regulations for the financing, management and monitoring of childcare facilities; developing projects and managing internal and external resources in order to extend and/or improve the services offered by childcare facilities; monitoring and evaluating childcare facilities with a view to constantly improving their operation; setting up and monitoring regional and provincial councils of childcare facilities that are similar to CONDEI in structure and composition; coordinating the activities of these councils with those of the National Social Security Council (CNSS); ensuring implementation of the policies, plans for expansion and development, and rules adopted by CONDEI and CNSS.

174. Consequently, by virtue of the powers assigned to it by article 137 (a) of Act No. 87-01, the National Council of Childcare Facilities (CONDEI) issued Resolution No. 01-05 aimed at “regulating the process of enabling childcare facilities, by defining and establishing basic requirements, including quality criteria, for the organization and operation of the services provided by the childcare facilities of the Dominican Social Security System”, in accordance with the provisions of article 1 of the standards for regulating the process of enabling childcare facilities of the Dominican Social Security System.

#### **E. Prevalence of HIV/AIDS**

175. In 2007, the Dominican Republic put in place some 22 comprehensive child healthcare services for children and adolescents with HIV, with that number rising to 30 at the end of 2010. The services are located throughout the national territory.

176. The child health-care services provide clinical follow-up, treatment (including antiretroviral therapy), periodic paediatric assessment, psychosocial support and counselling.

177. The Dominican Republic, through international donations and specific health programmes, offers antiretroviral treatment, treatment and medication for opportunistic diseases and post-exposure prophylaxis in cases of sexual abuse and unsafe blood transfusions, in particular.

178. It also seeks to provide emotional and psychosocial support, not only to children and adolescents but also to their families and/or caregivers, although it suffers from very limited human resources in this area.

179. Since 2008, an HIV/AIDS Paediatric Care Guide has served as a source of instruction on the proper care of such children for all medical personnel, such as doctors, nurses and psychologists.

180. This tool was being used in 2010 and ensures that the care provided always takes into account and protects the rights of children as members of society.

181. In 2006, national policies were introduced for children and adolescents orphaned and made vulnerable by HIV and AIDS. The policy documents were based on the Convention on the Rights of the Child, Act No. 136-03, national legislation and regulations,

treaties and conventions relevant to strategies for the protection and survival of children and adolescents.

182. It is estimated that 95 per cent of children and adolescents living with HIV in the Dominican Republic contracted the disease through vertical transmission (in childbirth or through mother's milk). No study is currently being made of cases of infection in other ways, such as sexual abuse or blood transfusions; however, triple therapy has been introduced for HIV-infected pregnant women, bringing mother-child transmission down to zero, in conjunction with all the strategies mapped out under the national programme for the reduction of mother-child HIV transmission.

183. The administration of a six-week course of zidovudine treatment to newborn children with HIV-infected mothers has helped to reduce the number of children testing positive.

184. The adoption of DNA PCR (polymerase chain reaction testing of genetic material) in the country has marked an advance in HIV/AIDS paediatric care, since, on the basis of the viral load on filter paper produced without venipuncture but just by a finger prick, it can be known six weeks from birth whether or not a child is positive, without having to wait 18 months, so that treatment can be arranged and the survival rate increased.

185. Since 2001, a sex and emotional health education programme (PEAS) has introduced the topics of HIV and AIDS, sexual health and reproductive health to middle school students. In 2009, an STD, HIV and AIDS life skills education programme was launched in basic education. This programme, which is implemented directly by the Ministry of Education, is overseen by a technical monitoring committee composed of governmental and non-governmental organizations and international cooperation agencies. In the 2009 curriculum reform, the topics of emotional health and sex education were included in courses on natural sciences, social sciences and personal development, together with indicators of achievement.

## **F. Malaria**

### *Description of the National Malaria Prevention and Control Programme*

186. Hundreds of cases of malaria are reported every year in 21 countries of the Americas. In the Caribbean islands, only Hispaniola, divided between the Dominican Republic and Haiti, reports autochthonous cases.

187. In the Dominican Republic, malaria affects predominantly males (65 per cent) and the 10 to 49 age group (74 per cent), with 75 per cent of cases being among rural dwellers. As for the process of transmission, malaria in the country was traditionally linked to the national and international seasonal migrations of the migratory and temporary workforce, mainly for sugar-cane production. However, these patterns have changed considerably as the country's economic profile has changed.

188. In the cane-growing area, traditional cyclical patterns still prevail, but migrant workers are increasingly being used for other crops (bananas, tomatoes, citrus fruit, beans, rice, etc.), thus increasing the likelihood of it being spread to other areas.

189. Similarly, as a result of increasing activity in the building industry, especially investments in the tourism sector in rural and semi-rural areas, where ecological conditions are very favourable to the reproduction of carrier mosquitoes, workers tend to migrate from highly endemic parts of the country, leading to outbreaks of the disease in those areas. The National Centre for Tropical Disease Control (CENCET), under the Ministry of Public Health, is responsible for the national response to the disease.

190. The national strategy for malaria prevention and control is based on a battery of measures, described below.

191. Epidemiological monitoring with stratification of groups and areas according to risks and determining factors; diagnosis through microscopic study of cases of fever by health services at various levels (passive search) or through home visits to places and centres where agricultural workers and construction workers gather (active search); timely treatment by health and CENCET personnel throughout the national territory, under strict supervision and in the patient's mouth, with collection of samples to track responses to treatment in order to monitor resistance to anti-malarial medicines; entomological monitoring to characterize the habits of the carrier mosquito, behaviour, population density, types of breeding ground and vulnerability or resistance to insecticides.

192. Promotion of effective social participation among both migrant workers and residents in endemic areas, as well as among employees and employers in tourist and other areas with intensive building programmes; comprehensive vector management, in line with the ecological characteristics of each endemic area and the behaviour of vectors and population groups, including modification of the environment, application of bio-larvicides, sprinkling of insecticides over particular areas and use of residual insecticides as appropriate. These measures are being taken throughout the national territory free of charge and without any discrimination on grounds of age, gender, race, nationality, socioeconomic standing or social origin.

## G. Tuberculosis

193. Cases of infantile tuberculosis are taken to refer to patients under the age of 14 years, diagnosed with TB to whom it is decided to recommend and administer an anti-tuberculosis treatment. It is difficult to diagnose tuberculosis in children. They usually contract it from an adult, a family member, with sputum smear-positive pulmonary tuberculosis. The National Tuberculosis Control Programme has provided for the following measures to prevent infantile tuberculosis:

**6.7.1 – BCG vaccination** to all newborns: between 2004 and 2010, over 90 percent of children received BCG vaccinations; cases of tuberculous meningoencephalitis have thereby been reduced;

**6.7.2 – Isoniazid preventive therapy (IPT)** for all persons under the age of 15 in contact with patients with smear-positive pulmonary tuberculosis with no sign of tubercular disease: between 2004 and 2010 some 5,000 children received IPT;

**6.7.3 – Anti-tuberculosis treatment:** anti-tuberculosis treatment is given to all patients diagnosed with the disease, at no direct cost. The Dominican Government obtains anti-tuberculosis medicines to ensure timely access. The most effective means of preventing and controlling tuberculosis is action against contagion through the detection, diagnosis and timely treatment of cases of TB.

194. In the Dominican Republic, infantile tuberculosis accounts for 6 percent of cases of tuberculosis recorded annually between 2005 and 2010. All children diagnosed with tuberculosis were admitted to anti-tuberculosis therapy in accordance with the treatment procedures established by the National Tuberculosis Control Regulations.

## H. Infant and maternal mortality

195. According to available statistics, the maternal mortality rate in the Dominican Republic continues to show a downward trend. The maternal death rate reported for 2010 was under 150 for every 100,000 live births.<sup>70</sup> The number of child deaths was 36 for every thousand live births.

## I. Hospital births

196. The statistical yearbook of the Ministry of Public Health shows the total number of live births registered in 2010 as 148,828.

## J. Vaccination

197. According to estimates, during the 2009 management period, the following percentages of the population benefited from immunization under the Expanded Vaccination Programme.<sup>71</sup>

198. Among children under the age of 1 year, the number immunized against poliomyelitis was around 84.6 per cent; among those aged between 12 and 23 months, the number immunized against measles was around 89.1 per cent; the number of children under the age of 1 year vaccinated against diphtheria, pertussis and tetanus was 81.8 per cent, and in the same age group, 95.6 per cent were reported to have been vaccinated against measles.

## K. Nutrition

199. According to official data from the Ministry of Health, the low birth weight (LBW) trend, calculated on the basis of 1,000 live births in 2010, was 76.1 (7.6 per cent of all live births), which shows a significant drop from earlier years. However, the 2007 National Population and Health Census (ENDESA) shows the 12 to 23 month age group to contain the greatest proportion of those suffering from chronic malnutrition (12 per cent), one third of them severe (4 per cent).<sup>72</sup>

## L. Drinking water

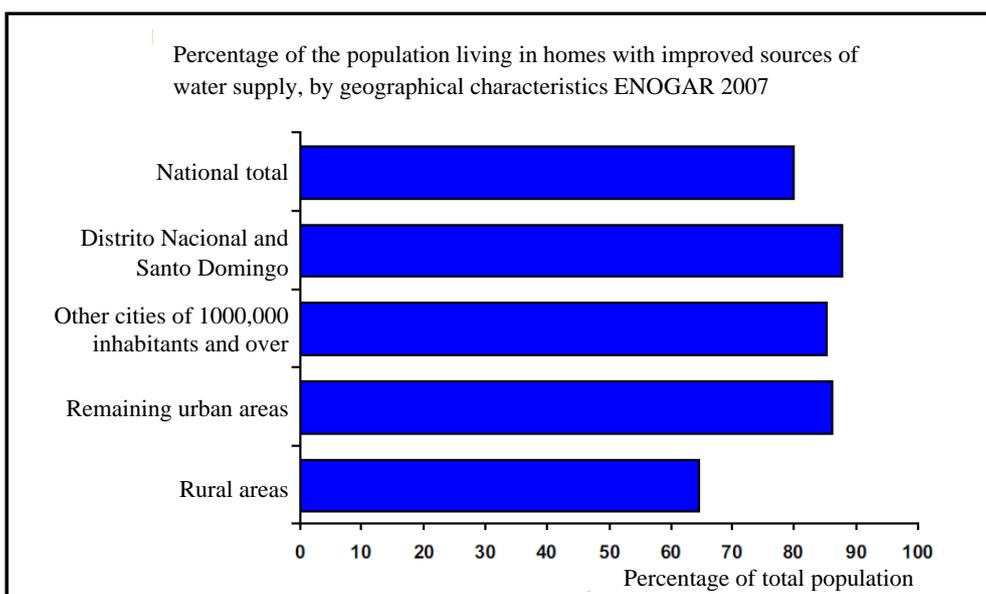
200. In 2007, 79.9 per cent of the national population lived in homes with improved sources of water supply (see table below). In 2005, the proportion was 78.3 per cent.

201. The percentage of the population with access to improved sources of water supply fluctuated between 64.7 in rural areas and 87.9 in the urban area formed by Distrito Nacional and Santo Domingo.

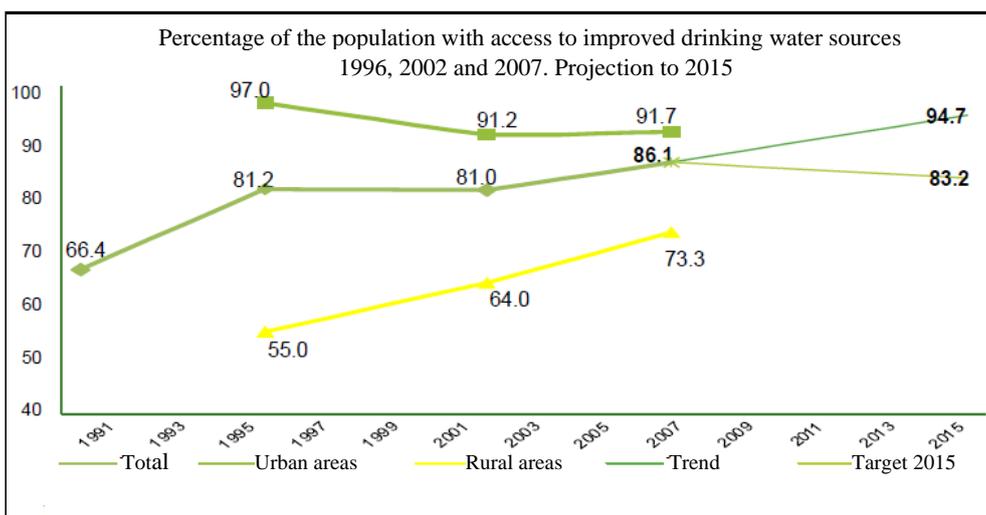
<sup>70</sup> ENDESA, 2007.

<sup>71</sup> Source. Yearbook of basic health indicators 2010 (p. 9), MISPA.

<sup>72</sup> ENDESA, 2007, p. 189, May 2007.



Source: ENHOGAR 2007.



Source: National Population and Health Census (ENDESA).

### M. Breastfeeding

202. In order to promote this important practice, the Ministry of Health, through its Mother and Child Department,<sup>73</sup> is encouraging hospitals to seek baby-friendly certification. Baby-friendly hospitals undertake to stress the importance of breastfeeding to the pregnant women in their care. Some 10 hospitals have been so certified, and just as many others are taking steps to that end.

<sup>73</sup> Source: Data provided by the MISPA Mother and Child Programme.

203. Another point to be highlighted is the establishment of milk banks in order to ensure that mother's milk is available for newborns whose mothers are experiencing some kind of difficulty or have died. In the maternity hospital Nuestra Señora de la Altagracia, a suitably equipped milk bank has recently been set up, for which advisory services have been provided by the Government of Brazil.

204. In its second stage, this programme will be expanded to take in the city of Santiago, in the northern part of the country. The goal is to increase the proportion of mothers participating in a breastfeeding programme, which currently stands at 7 per cent.

## **N. Adolescent health**

205. In the opinion of health specialists,<sup>74</sup> the period of adolescence is the most appropriate time to learn about sexuality and the body, and very often for taking decisions on reproduction.

206. Through various mechanisms for regional participation in health matters, the Dominican Republic promotes the implementation of the Plan of Action on Adolescent and Youth Health, which seeks to provide greater health protection to that part of the population. This calls for reliable, updated information relating to health and input to give effect to appropriate strategies and action plans.

207. One of the strategic thrusts of the Ministry of Health's National Strategic Plan for Comprehensive Adolescent Health Care 2010–2015 is “the strengthening of adolescent health information systems so as to allow decisions to be taken on the basis of sound information”.<sup>75</sup>

208. The data provided by studies on the various topics covered in the aforementioned source materials show the following.

209. In official population data, the benchmark age bracket in the Dominican Republic runs from 13 to 18 years. According to data from the Population and Family Council, the estimated number of inhabitants in 2010 was 9.9 million, of whom 998,486 were in the 10–14 age group and 979,241 in the 15–19 age group.

210. In comparison with generations in the last decades of the twentieth century, the study shows that adolescents and young people today are better off in several ways, such as possibilities of social betterment, exercise of individual freedoms, access to formal education and to the mass media. In contrast, the same study tells us that the challenge currently facing the young pertains to the complexity of Dominican society in the context of social, economic and cultural globalization. Combined with high poverty levels in the population at large, this is reflected in inequitable income distribution.

211. In terms of the economically active population, data produced by the Central Bank show that, in 2009, the total number of children and adolescents between the ages of 10 and 19 in the labour market was 331,258, out of a total number of the general population in the Dominican labour market of 4,221,883.

212. One family problem regarded as a possible factor of risk according to the statistical findings of the aforementioned study is the large number of children who do not live with the bi-parental nuclear family.

<sup>74</sup> Source: PRONAISA-MISPA.

<sup>75</sup> Situación actual salud sexual y reproductiva de adolescentes, Dominican Republic, 2009.

213. The following table offers an overview of this problem.

<i>Children who live with their families</i>	<i>2002</i>	<i>2007</i>
Living with father and mother	56%	50%
Only with mother	25%	30%
Only with father	4%	4%
With neither	14%	15%

*Source: ENDESA 2002–2007.*

214. The table shows a deterioration of the situation in terms of the percentage of children living with their mothers and fathers, with a 6 per cent drop from the 2002 census and a 5 per cent increase in the number of children living only with the mother; what is more worrying is that it also shows an increase in the proportion of children living alone.

215. It is important to note that a larger number of adolescents and young people have access to the mass media, which play a vital role in ensuring that messages conveyed through sexual and reproductive health programmes for adolescents implemented by the national health authorities reach a larger number of their intended targets. It should likewise be noted that these media provide the population with information concerning standards and values, thereby contributing to educational efforts based on the family, the school and the community.

216. Statistics in this regard are revealing. From interviews conducted with the members of the 15 to 19 age group for the 2007 ENDESA study, it emerges that 55.3 per cent read a newspaper at least once a week; the proportion of girls who watch television at least once a week is 93.1 per cent, and boys, 93 per cent; 85 per cent of girls listen to the radio at least once a week, while for boys the figure is 89.6 per cent.

217. Data from the 2007 ENDESA study concerning toxic habits among adolescents show that: alcohol consumption varies according to gender, with 73.5 per cent for females and 82 per cent for males. A larger proportion of male adolescents than female adolescents smoke cigarettes: 2 per cent as against 1 per cent. As for other drugs, the same study tells us that only 1.3 per cent of girls use them, as against 3 per cent of boys. It should be stressed that, according to the study, a number of those interviewed deny that they use drugs, thus casting doubt on whether the data collected in this connection reflect the reality of the problem.

218. On the question of access to information on sexual and reproductive health, the findings of the study conducted by the National Population and Family Council in 2008, using both quantitative and qualitative methods, reveal that, in the different social strata, the conditions of motherhood and fatherhood are governed by the same cultural patterns, strongly influenced by myths and taboos, with a strong element of social sanction.

219. These cultural constraints may be said to weigh upon sex education and information and thus exercise considerable influence on sexual and reproductive health issues, such as pregnancy, STIs, HIV and AIDS (ENDESA 2007).

220. Under such circumstances, the Ministry of Public Health, in coordination with the National Adolescents' Programme, has been mounting social communication campaigns to promote sexual and reproductive health among adolescents, involving the distribution of educational materials and methodological tools to bring the message home to the target population.

221. These promotional and educational campaigns have been directed towards changing adolescent behaviour with a view to averting HIV and AIDS, encouraging condom use and

preventing pregnancies in that age group. One method of adolescent education to be highlighted is the use of peer-to-peer approaches, as they ensure greater dissemination of information among young people sharing the same codes, interests and social forums, as noted in the study (Adolescent reproductive health programme).

222. On the same subject but with regard to adolescent fertility, the Dominican Republic has one of the highest fertility rates in all the countries of the Americas for adolescents between the ages of 15 and 19, reported to be 108 children per thousand women (ENDESA 2007). However, the fertility rate in this age group has declined in recent years, falling from 114 to 109 per thousand between 1990 and 2005.

223. Rates of adolescent pregnancy are strongly linked to the situation of poverty affecting that part of the population. Similarly, the numbers of cases of confinements, births, miscarriages and low birth weights are closely correlated with the age of mothers in such situations.

#### **Percentage of adolescents who are mothers or have been pregnant, 2002–2007**

<i>Adolescent girls (15–19 years)</i>	<i>2007</i>
Mothers	16%
Pregnant for the first time	4%
<b>Total</b>	<b>20%</b>

*Source:* ENDESA.

224. Concerning the percentages shown in the above table, the study points to a 3 per cent reduction in the number of cases of adolescent girls becoming pregnant for the first time, confirming that the educational and preventive measures taken are on the right track.

225. The Comprehensive Adolescent Care services operate within the framework of the national rules governing the Adolescents' Programme. It is to be noted that they have expanded in recent years, increasing from a total of 81 services in 2008 to some 100 currently in operation in second- and third-level institutions.

226. On the subject of HIV/AIDS-related programmes, the 2007 ENDESA study produced the following findings concerning the population's knowledge of AIDS and the virus causing it: some 99.3 per cent of young women and some 98.7 per cent of males between the ages of 15 and 24 have heard of AIDS. On being asked about ways of avoiding AIDS, more than 75 per cent said that the most suitable ways of avoiding the disease were condom use, sexual relations with a single partner and abstinence from sexual relations.

227. According to the survey, 39.3 per cent of female adolescents and 36.6 per cent of male adolescents have comprehensive knowledge of HIV/AIDS. As for the prevalence of HIV in the adolescent population, the 2002 ENDESA survey shows an incidence of barely 0.2 per cent in the 15–19 age group.

## **VII. Education, leisure and cultural activities**

### **A. Context**

228. In the past few years, there have been some advances and some setbacks in the education system.

229. One of the high points in the development of the Dominican education system is the sustained trend towards increased educational coverage at the various levels. Coverage remains low at some levels, for example at preschool (initial) level, where the Dominican Republic has one of the lowest ratios in Latin America and the Caribbean, at around half the regional average.

230. “In basic education, net coverage in the Dominican Republic is relatively high, at around 92 per cent; in middle level education, the net coverage ratio is 49 per cent, which is relatively low when compared with the average for Latin America and the Caribbean. With regard to school attendance, in 2007 Dominican citizens between the ages of 15 and 24 averaged around 8.9 years of school attendance in urban areas and 6.6 years in rural areas, giving it a national average of around 8.1 years. These school attendance levels are close to the average for Latin America. It is noteworthy that, in just a decade, the number of years of school attendance has almost doubled in the country. Furthermore, there has been a significant drop in the illiteracy rate over the past four decades, falling from 35 per cent of the population aged 15 years and over in 1960, to 27 per cent in 1981 and approximately 10 per cent in 2008.”<sup>76</sup>

231. The main problems in the education sector continue to be efficiency, quality and equity. In the matter of efficiency, the repetition rate in the Dominican education system is relatively high, so that on average students remain at school much longer than is officially required. This means that, on reaching 18, the typical Dominican young person who has been at school for about 12 years has only completed nine years of schooling.<sup>77</sup>

232. As regards the quality of education, there are very serious shortcomings in the areas of language and numeracy, as compared with other countries in the region. National tests given every year to students in basic and middle level education to measure learning acquisition in relation to the official curriculum show that the country is not keeping up to its own standards.

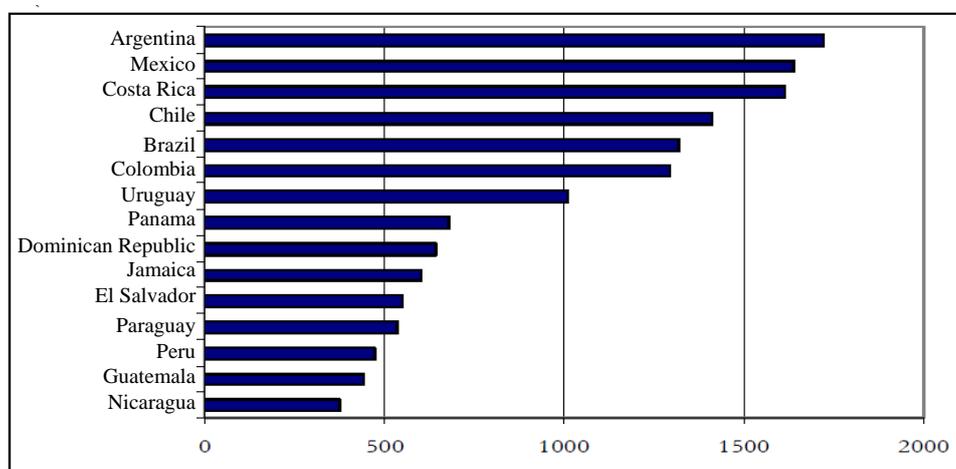
233. It is important to note that public spending on education in the country is very low by international standards and under the level achieved by the majority of Latin American countries.

---

<sup>76</sup> National development strategy, Ministry of the Economy, Planning and Development (MEPYD), 2009.

<sup>77</sup> National development strategy, MEPYD.

**Expenditure per pupil in basic education in the countries of Latin America and the Caribbean, 2006 (in US dollars adjusted according to purchasing power in each country)**



Source: Based on data from the UNESCO Statistical Yearbook 2008.

234. Estimates suggest that the rate of return from Dominican education is relatively low in basic and middle level education. In other words, additional years of schooling at those levels do not have any impact on the income of individuals when they join the labour market.

## B. Aims of education

235. According to article 63 of the Dominican Constitution, education should ensure the all-round training of human beings throughout their lives and should be directed towards the development of their creative potential and their ethical values; it should promote access to learning, science, technology and other cultural assets and values. Similarly, article 4 (a) of Education Act No. 66-97 stipulates that “human beings have a permanent and inalienable right to education”. All persons accordingly have the right to an all-round education that enables them to develop their own individuality and engage in a socially useful activity, in accordance with their aptitudes, subject to the national interest, without discrimination of any kind on grounds of race, gender, belief and economic, social or other kind of standing.

236. In the past few years, starting from the efforts made under the 1992–2002 10-year Education Plan, the Strategic Plan and achievements under the 2008–2018 10-Year Plan, the Dominican Republic has made appreciable progress in education in terms of coverage, attendance, repetition rates, availability of teaching materials, classrooms and teaching staff, school lunch services, confirmation of teaching posts, etc. Nevertheless, not enough progress has been made to restore and attain high levels of student learning achievement.

237. Low learning achievement has been highlighted in national and international studies carried out over the past 10 years<sup>78</sup> and is due to a number of factors, including the

<sup>78</sup> See the following annexed studies: PERCE: First comparative and explanatory regional study in language and arithmetic in primary education grades 3 and 4, LLECE, 2000; Report on national tests results (2001); Study to measure curriculum competency achievement in first and second stages of basic education, INAFOCAM, 2002; longitudinal study of learning achievement, CEIE (Educational

following: student perception of classroom atmosphere; amount of actual time devoted to class work on the subjects studied (language and arithmetic); significant student and teacher absenteeism in the classroom; the high proportion of students at basic level working away from home; and intensive use of physical facilities (several shifts).

238. To meet these challenges, the Ministry of Education has planned a series of strategies and actions guided by: the Millennium Development Goals; the 2008–2018 10-Year Education Plan; the 2020/21 Education Targets; the National development strategy and the 2008–2012 Management Strategy Plan.

### 1. Vocational education, training and guidance

239. The 2008–2012 Educational Management Strategy Plan “1000×1000 for effective schools”<sup>79</sup> is the baseline for a commitment to curriculum development in line with demand, both from individuals and from present-day society, marked by change and innovation and underpinned by an inclusive approach open to diversity.

240. Educational curricula are grounded in theoretical principles and require a sound and well-reasoned *modus operandi* that gives shape to a particular conception of the individual, society and nature. Their sources are: philosophical, epistemological (constructivist conception of learning, learning to learn, learning by doing and teaching to learn: Vygostki and Piaget), psychological, sociological and biological. It is important to define other general principles as a sustainable basis for the curriculum, including: integrity (integral and interdependent human beings), protagonism (focusing on the learner), experience, activity and work (axes of knowledge), flexibility, relevance and pertinence (adapted to life), interdisciplinarity (integration of knowledge), integration and participation (social relations), social commitment (context and setting), gradualness, continuity and interlinking (process or ongoing-ness); operationalization of curriculum theory, whose characteristics are: experimental application and continuing evaluation; and the curriculum stakeholders (learners, teachers, governing body, technicians, parents, educational community and extended community).

241. The curriculum as established has three components: macrocurricular (education system and society), mesocurricular (levels and areas) and microcurricular (classroom); prescribed and actual curriculum; educational levels; crosscutting topics, among other features.

*Measures taken in this connection:*

(See country report on compliance with the International Covenant on Civil and Political Rights)

---

Evaluation and Research Consortium), Albany University, INTEC, PUCMM, 2006; SERCE: Second comparative and explanatory regional study in language, arithmetic and science in primary education grades 4 and 6, LLECE, 2008; and ICCS: International study of civics education and citizenship, SREDECC (Regional system for the evaluation and development of citizenship skills), 2011, in particular.

<sup>79</sup> The 2008–2012 Educational Management Strategy Plan has 10 prongs directed towards the building of an educational management model in which students obtain good learning results and at the same time are encouraged to become democratic, productive, competitive and caring individuals, or in other words, fully citizens. The 10 operational prongs of the Plan are closely in line with the policies set out in the 10-Year Education Plan (See Strategy Plan in Annex 26: 2008–2012 Strategy Plan, Ministry of Education).

## 2. Rest, leisure and cultural activities

242. The Department of Student Welfare arranges visits to museums and cultural centres and other leisure activities. One example is the Book Fair, which features various cultural events, including theatre, poetry and song performances and painting exhibitions.

### Total number of children and adolescents visiting the various museums of the Dominican Republic in 2007–2011

<i>Museums</i>	<i>Total</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
20 Dominican family museums	<b>1 865</b>	351	377	345	375	417
Dominican Museum of Man	<b>46 514</b>	8 734	9 391	8 616	9 366	10 407
Modern art museum	<b>15 390</b>	2 890	3 108	2 851	3 099	3 442
Museo de las Casas Reales	<b>27 043</b>	5 079	5 460	5 009	5 445	6 050
Museo Alcázar de Colón	<b>61 260</b>	11 503	12 369	11 348	12 335	13 705
Museo Faro a Colón	<b>18 037</b>	3 387	3 642	3 341	3 632	4 035
Museo San Felipe Puerto Plata	<b>11 714</b>	2 199	2 365	2 170	2 359	2 621
Complejo Cultural Fortaleza de Santo Domingo	<b>17 447</b>	3 276	3 523	3 232	3 513	3 903
Casa Museo Juan Ponce de León	<b>388</b>	73	78	72	78	87
<b>Total</b>	<b>199 658</b>	<b>37 492</b>	<b>40 313</b>	<b>36 984</b>	<b>40 202</b>	<b>44 667</b>

*Source:* Vice-Minister of Cultural Heritage, General Directorate of Museums.

243. During the same period, more precisely in 2010, the Ministry of Education organized two two-week summer camps in Comatillo, each for 180 boys and girls, making a total of 360 children from 18 regions, 20 children from each one.

244. In the 18 regions, participation is also promoted through school clubs, which have been operating since 2008. There are currently 912 school clubs providing all levels and forms of activity for 260,000 children and adolescents, ranging from theatre, dance, pantomime and poetry, song and music recitals.

## C. Adolescents deprived of liberty outside the education system

245. A programme is being carried out in detention facilities, in coordination with the Attorney-General's Office and INFOTEC, supported by the International Programme for the Eradication of Child Labour, aimed at providing occupational training to adolescents in conflict with the law, both those deprived of their liberty and those subject to alternative guidance and supervision measures. A number of young people have thus acquired occupational skills.

## D. Expulsion for reasons of disability, pregnancy or HIV infection

246. In 2007, an ordinance was issued prohibiting the exclusion of pregnant girls from the formal education system, likewise provided for by Act No. 136-03, article 48 (E).

247. With regard to school discipline, on 17 May 2010, CONANI and the Ministry of Education disseminated throughout the country the Rules of the Dominican Education System for Living Together and Maintaining School Discipline in public and private educational facilities, in accordance with the rights and duties of students; these are contained in Act No. 136-03. Article 48 of the Code sets issues of school discipline in the context of modern rights doctrine (“rights, safeguards and duties”) and lays down that the Ministry of Education “shall clearly establish and distribute each year the official disciplinary regulations to be applied in every school, without detriment to such specific rules, consonant with those regulations and the principles set forth in this Code, as may be established by private educational facilities”.

248. This legal requirement was also treated as an opportunity to incorporate into these terms of reference other important benchmarks, such as the guidelines on the rights and duties of educational personnel contained in the Teachers’ Statute, together with the new life skills approach to curriculum design, on which the current learner-oriented philosophy is predicated.

## E. School enrolment

### Student/teacher ratio by educational level, 2009/10

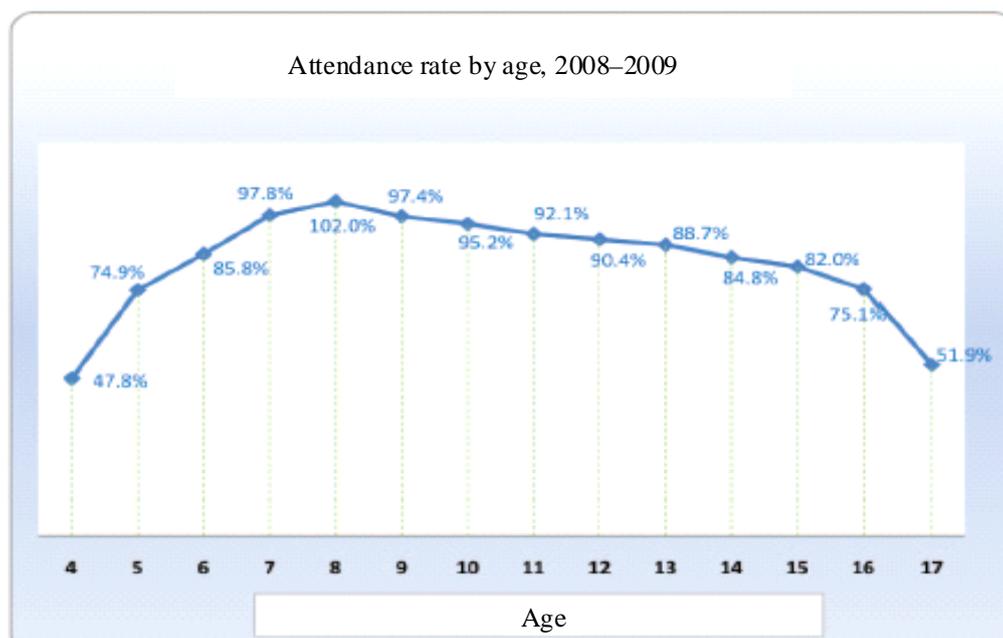
<i>Level</i>	<i>Number</i>	<i>Teachers</i>	<i>Ratio</i>
Initial (preschool)	214 681	10 260	20.9
Basic (primary)	1 672 684	63 491	26.3
General Middle (secondary)	511 643	16 166	31.6
Vocational Technical Middle	38 002	4 042	9.4

<i>Indicator</i>	<i>Rate</i>
Rate of school attendance	83%
Gender parity index	1.02
Net enrolment rate in initial education	27.9
Gross enrolment rate in initial education	33.8
Net enrolment rate in basic education	80.2
Gross enrolment rate in basic education	105.3
Net enrolment rate in middle level education	47.4
Gross enrolment rate in middle level education	71.1

*Source:* Statistics Department of the Ministry of Education and ONE, 2007/08.

*Comment:* See page VII. 31.a.

## F. Attendance levels



### Indicators of coverage

#### Indicators of coverage by gender

Indicator	2008/09			2009/10		
	Male	Female	Total	Male	Female	Total
Net enrolment rate – initial level	34.7%	31.4%	<b>33.1%</b>	35.6%	35.8%	<b>35.6%</b>
Net enrolment rate – primary education	93.2%	83.5%	<b>88.4%</b>	94.1%	89.2%	<b>91.7%</b>
Net enrolment rate – basic education	93.0%	85.4%	<b>89.2%</b>	92.0%	86.9%	<b>89.5%</b>
Net enrolment rate – secondary education	45.8%	56.1%	<b>50.9%</b>	43.4%	55.3%	<b>49.3%</b>
School attendance rate of 3- to 5-year-olds	50.6%	46.9%	<b>48.5%</b>	47.1%	48.3%	<b>47.7%</b>
School attendance rate of 5-year-olds	78.1%	71.5%	<b>74.9%</b>	75.3%	75.4%	<b>75.4%</b>
School attendance rate of 6- to 13-year-olds	96.5%	90.4%	<b>93.7%</b>	94.1%	89.7%	<b>91.9%</b>
School attendance rate of 14- to 17-year-olds	73.3%	73.8%	<b>73.6%</b>	72.5%	74.8%	<b>73.7%</b>
School attendance rate of 6- to 11-year-olds	99.0%	90.9%	<b>95.0%</b>	95.0%	90.0%	<b>92.5%</b>
School attendance rate of 6- to 17-year-olds	89.2%	85.0%	<b>87.1%</b>	87.1%	84.9%	<b>86.0%</b>

## G. Information and guidance: training and guidance programmes

249. To spread knowledge about the Rules of the Education System for Living Together and Maintaining School Discipline, 18 training workshops were held nationwide in May–June 2010 for 369 educational technicians to enable them in turn to inform teachers and students about these rules on the occasion of awareness-raising days.

250. Specialists from the Ministry of Education were involved in the framing and finalization of the Rules, which they began developing in September 2009 as part of a project entitled “Enhancing the capacity of the system of protection to reduce the number of children and adolescents living on the street or at risk in the Dominican Republic”. The project was carried out by CONANI with the technical and financial assistance of the Government of Chile, provided through the Ibero-American Children’s Fund.

251. As part of the effort in favour of children and adolescents, the Office of the First Lady is carrying out an interesting early childhood programme entitled “Room for Hope”. This early stimulation programme aimed at children between 3 and 5 years old in extremely poor communities seeks to join with other efforts in education to improve educational indices in the country, have a positive impact on the lives of the children concerned and offer early learning opportunities to promote development and the acquisition of skills and abilities. The programme focuses on the development in the target group of self-knowledge and self-reliance, knowledge of the environment, love of nature, the physical setting (elements, relations, measurements), culture and life in society, oral and written expression, physical and artistic communication.

252. The centres involved in this programme operate throughout the country in Licey, Castañuelas, Nigua, Juncalito, Navarrete, Villa Altagracia, Sabana Iglesia, Cayetano Germosén, Juan López, Jamao al Norte, Tireo, Gaspar Hernández, Peralta, Padre las Casas, Sabana Alta, Juan de Herrera, Pedro Corto, Punta Caña, Hato Mayor, Sabana de la Mar, El Seibo, Pedro Sánchez y El Cedro, Guayabal, Pueblo Viejo, Juan Santiago, Yamasá, El Valle, Peralvillo, Navarrete, El Cedro, Guayabo Dulce, Miches, San Víctor, Comendador, Baitoa, Matapalacio, Nagua, Cutupú, Guaymate, Favidrio, Nagua and Duvergé. The programme will continue to be extended.

253. Another programme of the Office of the First Lady is entitled “Think carefully before having a baby”. This socio-educational programme seeks to prepare adolescents for responsible motherhood and fatherhood through innovative, experience-based and participatory methods. Its goal is to reduce the pregnancy rate among adolescent girls through a theoretical and practical educational focus on the responsibilities that weigh upon early parenthood. The target group is adolescent girls in public and private secondary schools. Areas of action are: development of knowledge, skills and abilities to facilitate the exercise of responsible fatherhood and motherhood, definition of a life project, promotion of gender equality, knowledge of reproductive health and prevention of STIs, HIV/AIDS and alcohol and drug use and abuse. It is directed towards adolescents in public and private secondary schools and their families, mainly in the following communities: Distrito Nacional, Santo Domingo, Bonao, Santiago de los Caballeros, El Seibo, Higüey, Pedernales and La Altagracia.

### Project coordination – Childhood Projects Unit “Think carefully before having a baby”

<i>Year</i>	<i>Number of baby simulators delivered yearly</i>
2006	800
2007	2 180

<i>Year</i>	<i>Number of baby simulators delivered yearly</i>
2008	2 542
2009	5 142
2010	5 836
2011	2 471 up to June 2011
<b>Total</b>	<b>18 971</b>

*Source:* Project Coordination – Childhood Projects Unit – “Think carefully before having a baby”, Office of the First Lady.

## H. School dropout

254. Repetition is one of the main causes of school dropout, as demonstrated by studies.

### Indicators of pass, repetition and dropout rates by level and grade, 2008/09

<i>Level/grade</i>	<i>Public</i>			<i>Private</i>		
	<i>Dropout</i>	<i>Pass</i>	<i>Fail</i>	<i>Dropout</i>	<i>Pass</i>	<i>Fail</i>
Basic	3.4%	88.2%	8.4%	2.1%	95.8%	2.1%
First	4.5%	88.7%	6.8%	2.1%	96.6%	1.3%
Second	3.5%	89.1%	7.4%	2.4%	96.5%	1.1%
Third	3.6%	83.3%	13.1%	2.3%	95.2%	2.5%
Fourth	3.3%	88.3%	8.4%	2.0%	96.0%	2.0%
Fifth	3.2%	89.4%	7.4%	2.2%	95.8%	2.0%
Sixth	3.1%	90.1%	6.8%	2.1%	96.3%	1.6%
Seventh	3.2%	90.8%	6.0%	2.0%	96.3%	1.7%
Eighth	2.6%	86.6%	10.8%	2.1%	92.9%	5.0%
Middle	6.6%	82.5%	10.9%	3.5%	89.5%	7.0%
First	9.3%	79.0%	11.7%	4.4%	90.2%	5.4%
Second	6.8%	84.8%	8.5%	3.4%	92.6%	4.0%
Third	5.7%	88.8%	5.5%	3.5%	93.5%	3.0%
Fourth	3.2%	78.3%	18.6%	2.6%	81.3%	16.1%
<b>Total</b>	<b>4.8%</b>	<b>86.8%</b>	<b>8.4%</b>	<b>2.6%</b>	<b>94.5%</b>	<b>2.9%</b>

## I. School lunch

255. The school lunch programme has been of huge importance in the education system since 2006. It plays an essential role in keeping students in the education system and reducing malnutrition levels. Quality control is ensured by a monitoring team and, together with permanent supervision and national, regional and district technician training, is crucial

for the smooth running of the programme. A School Lunch Quality Assurance Commission has been set up for that purpose.<sup>80</sup>

<i>Modality</i>	<i>Centres</i>	<i>Beneficiaries</i>	<i>Investment/Day</i>	<i>Days/Year</i>	<i>Annual distribution (August 2008/09)</i>	<i>Annual investment (August 2008/09)</i>
Urbano	3 870	1 387 168	16 215 980.08	147	2 381 477 623	203 913 622
Fronterizo	499	49 800	661 959.29	107	69 981 178	5 328 547
Real	680	82 215	1 535 454.99	140	215 046 188	11 510 030
<b>Total</b>	<b>5 049</b>	<b>1 519 183</b>	<b>18 413 394.36</b>		<b>2 666 504 989</b>	<b>220 752 199</b>

## J. International cooperation in education

## K. Technology and equipment

256. The Multimedia Learning Support Programme<sup>81</sup> is designed to inspire in students a keen desire to engage in the adventure of learning and innovation. The development of information and communication technology and the major technological changes ushered in by science lead to the knowledge and information society model.

257. Digital literacy creates significant gaps that are difficult to close, on the sidelines of the changes we are experiencing. The school and its teachers cannot go on clinging to the traditional blackboard and textbook model. The old banking model criticized by Paulo Freire of “I teach, you learn” is increasingly rejected by students, many of whom have access to the Internet where they discover an ocean of information. The Internet, as a technology and as a cultural creation, offers a new key to social interpretation, on the basis of unprecedented anthropological analogy. Never before in human history has a technological creation been able to take on and extend such specifically human qualities as communication, culture and freedom.

- **The WIND in the school project:** 400 educational centres already have a signal; 3000 42-inch flat TV sets have been acquired, with 3000 UPS and 3000 bases; agreements have been concluded with seven Discovery channels and one entirely educational CI@se channel.
- **Web management centres project:** software developed, used by all public educational facilities at all levels of education; the educational facilities management system will be linked with the portals of each educational facility.

<sup>80</sup> The functions of the Commission are as follows: (1) guarantee the quality of food distributed in Dominican public schools under the Urbano Margina, Fronterizo and Real modalities of the School Food Programme through a quality assurance system which requires: (1.1) health inspections of food processing facilities used; (1.2) inspection and collection of samples for physical, chemical and microbiological analysis of food, ingredients and other components used for the preparation of food products; (1.3) inspection and collection of finished products in Dominican public schools throughout the country, in each region, for the purposes of physical, chemical and microbiological analysis; (1.4) due warnings when traces are detected of poor quality food in the school food programme, within reasonable time limits as laid down in the the General Health Act and the technical regulations, standards and rules governing food and beverages; (1.5) compliance with (local) DIGENOR rules and international rules for the monitoring of the food industry; and (1.6) regular reports to the Ministry of Education, showing the results produced by network laboratories and the results of research called for in special cases in the school food programme (2008/09 report).

<sup>81</sup> “1000×1000 for effective schools“ Education Report 2008/09.

- **Multimedia portal:** imaging infrastructure developed; 2000 educational videos ready for use at the beginning of the school year; highly specialized hardware acquired to record and migrate multimedia programmes; it will be loaded with a variety of teaching materials, grouped by grade, subject and topic.
- **Multimedia production project:** production of five audiovisual programmes; creation of two emblematic figures, who will be the main characters in a series of programmes entitled *Biblita* and *Cerebrito*.

## L. Programmes to support students from vulnerable families

258. The circumstances in which many vulnerable or poor Dominican families live have a negative impact on the biological, psychological and social development of their children. They come to school with significant disadvantages, which can be ironed out through compensatory programmes. It is essential to provide proper care for those concerned and, particularly, support and assist students from vulnerable families by ensuring that they benefit from optimal learning conditions. In order accordingly to expand, enhance and diversify opportunities, the Ministry of Education has been carrying out a number of programmes.<sup>82</sup>

- The Department of Student Welfare Grants awarded 16 grants to children and adolescents in private schools in 2009/10, bringing the total number of grants to children and adolescents currently attending private schools up to 1,160;
- The Programme of Emotional Health and Sex Education is designed to provide teachers, principals, guidance counsellors and psychologists with training in support of the programme of education in sex-related values, with emphasis on the prevention of domestic abuse and violence. In the 2008/09 school year, training was provided under this programme to 162,802 teachers at a cost of RD\$ 4,225,864.

259. In 2009/10, the programme provided training to teachers, guidance counsellors and psychologists in 100 schools in Santiago Region 8, 100 schools in Barahona Region 5 and 200 schools in Santo Domingo Region 10. The investment was RD\$ 2,762,000.

- **Late registration programme:** In the period August 2008 to June 2009, in coordination with the Central Elections Board, 10,032 children and adolescents under the age of 16 in the education system were provided with birth certificates.
- **Conditional transfer:** In the 2009/10 school year, middle school students belonging to more than 800,000 vulnerable families benefited from the conditional transfer solidarity programme carried out by the Government through the Social Affairs Cabinet of the Office of the President of the Republic.
- **Health programmes:** The Ministry of Education has maintained a number of health programmes, particularly in dentistry and ophthalmology, as a considerable number of children and young people are in need of care in those areas, which cannot be properly provided by their families owing to their precarious economic situation. As health problems are believed to affect student learning, a number of programmes were strengthened during the 2008/09 school year, as shown below.

<sup>82</sup> “Compensatory programmes and actions are initiatives designed to lessen the impact of inequality on the most vulnerable people by seeing to it that children and young people from poor backgrounds have access to education and are able to go on receiving it” (Education Report 2008/09).

- **Tropical Disease Prevention Day:** The Ministry of Education, together with the Ministry of Public Health, launched a campaign directed at teachers and students for the prevention of dengue, swine flu, leptospirosis and conjunctivitis, as well as a vaccination campaign.
- **HIV/AIDS prevention:** In coordination with the Presidential Council on AIDS, the Ministry of Education is conducting an HIV/AIDS prevention programme in all educational facilities, with special attention to provinces showing the highest rates of contamination.
- **Dentistry:** On the occasion of 20 Dental Care Days, a total of 110,043 children received fluoride applications and guidance on dental care, 24,483 students benefited from preventive treatment, 9,540 dental restorations were performed using amalgam and resin, 22,600 dental extractions were carried out and 12,598 oral hygiene kits were distributed.
- **Ophthalmology:** Delivery of 360 uncut lenses with their frames, 11 strabismus operations, 3 congenital glaucoma operations, 2 congenital cataract operations, 2100 children treated, including those referred by schools to the Robert Reid Cabral Children's Hospital.
- **School supplies and uniforms:** 300,000 children and young people in situations of extreme poverty benefited from this programme in the 2008/09/10 school years, enabling those concerned to go to school from the first day of classes without any difficulty.
- **Increased psychosocial support for students:** In the 2008/09 year, there was an increase in psychosocial support for students in educational facilities and there was a reduction in psychosocial risk. Eighteen Emotional Health and Sex Education Days for 3,072 guidance counsellors, psychologists and teachers produced a multiplier effect among 1,536,000 students. Life skills promotion for adolescents took the form of four Life Skills Days; a prevention strategy document was produced with the support of USAID, for a total of 180 guidance counsellors, psychologists and teachers, producing a multiplier effect among 5,400 teachers and 216,000 students.

## VIII. Special protection measures

### A. Children in situations of emergency

#### 1. Refugee children

260. Within the national territory, there are no population groups officially classified as refugees. However, in the wake of the humanitarian crisis in the neighbouring Republic of Haiti, hit by the earthquake of 12 January 2010, the Dominican people made every effort to assist those affected by the tragedy. In order to protect the rights of the Haitian children and adolescents and their families that had been so affected, around 500 children and adolescents were transferred to the Dominican Republic to receive medical aid, food assistance and psychological support, in particular. CONANI, together with a network of NGO programmes and government services, took a number of rapid measures, directed first and foremost at children and adolescents. The protocol on the protection of vulnerable Haitian children and adolescents present in the Dominican Republic following the earthquake was the operational tool that served to channel an extraordinary outpouring of solidarity with the victims and survivors.

261. For the implementation of the action provided for in the protocol, UNICEF offered financial support totalling RD\$ 8,320,261, which allowed 14 auxiliary social workers to be hired, including four Haitian nationals, as well as a paediatrician and a nursing assistant who for eight months offered care and protection to the children and adolescents concerned. As from August 2010, most of these personnel were fielded to non-governmental organizations where they gave help in filling out welfare forms for the children and adolescents who had been given shelter and also assisted NGOs in taking a census of the beneficiaries.

262. This financial support also served to provide equipment (computers and printers, filing facilities and computer desks) for CONANI regional and municipal offices.<sup>83</sup> Support was also provided to the temporary shelters in a monthly amount of RD\$ 420,000, determined each month on a per capita basis according to the total number of Haitian children and adolescents sheltered in the month. The support took the form of food and/or medicine allocated to temporary shelters for Haitian children and adolescents.

263. According to statistics for the protocol on protection, care was provided for 407 children and adolescents, 261 of whom were accompanied, 40 were separated and 106 were unaccompanied.

264. There are currently 21 children and adolescents remaining in the shelters.

## **B. Adolescents in conflict with the law**

265. Pretrial deprivation of liberty is a precautionary measure that is applied in exceptional circumstances. It may be ordered only by means of a reasoned sentence and is used when it is not possible to apply another less onerous precautionary measure. It may in no circumstances be ordered for the purpose of facilitating efforts to conduct a psychosocial study or physical testing of an adolescent in order to determine his or her age.

266. Pretrial deprivation of liberty may be ordered only when there is sufficient evidence reasonably to maintain that the adolescent is the likely author of, or an accomplice in, the commission of a criminal offence, and that according to the assessment of the charges, the offence is punishable under ordinary law by a sentence of more than five years, provided that one of the following circumstances also prevails:

- There is a reasonable risk that the adolescent may evade prosecution;
- There is a possibility that the evidence may be destroyed or obstructed;
- The victim, complainant or witness is exposed to danger.

267. The Public Prosecution Service for children and adolescents must request the precautionary custodial measures referred to above within 24 hours of the adolescent's detention. In turn, the juvenile judge must, within the following 24 hours, issue a ruling as to the propriety of the precautionary measure, without prejudice to the possibility of ordering other less onerous measures.

268. Pretrial detention is conducted in specialized centres, where it is required for adolescents to be separated from persons already subject to final judgement.

---

<sup>83</sup> Regional Office IV: North-west Cibao (based in Mao, Valverde); Regional Office V: Valdesia (based in San Juan); Regional Office VII: Enriquillo (based in Barahona); Pedernales Municipal Office (based in Pedernales).

269. The Code for the System of Protection and Fundamental Rights of Children and Adolescents provides for the principle of legality in the application of sanctions, stipulating that sanctioned adolescents may not be subject to any restriction of their liberty or other rights that does not constitute a direct and unavoidable consequence of the sanction imposed.

270. Consequently, all children and adolescents have the right to challenge the legality of the deprivation of their liberty before the juvenile court, as well as the right to a prompt decision on that action in conformity with the Constitution and the procedure provided for in Act No. 5353, dated 22 October 1914, on habeas corpus and amendments thereto, and in the Code of Criminal Procedure.

271. All children and adolescents have the right to institute *amparo* proceedings before the juvenile court whenever they consider that their ability to exercise a right established in and protected by the Constitution, international treaties or the Code has been impaired. For these purposes they must comply with the time periods and procedures established for that remedy under ordinary law.

#### **1. The administration of justice**

272. Over the years, the Dominican Republic has gone through a process of judicial change to the advantage of all who appear before the competent institutions seeking a solution to their conflicts; a number of measures have been taken that have so far been effective, greatly strengthening the rule of law and the Dominican criminal justice system generally and juvenile criminal justice in particular. The new Dominican rules of criminal procedure have streamlined proceedings, thus ensuring that pretrial deprivation of liberty is an exceptional measure and that, when it occurs, it is for the shortest possible period of time. Further examples of positive changes introduced by the judiciary include the establishment of special juvenile courts, the training of the first public defenders for juvenile criminal cases, the setting up of the Family Mediation Centre for alternative, non-judicial conflict solution, the introduction of the penal enforcement procedure for adolescents and the development of a training plan.

273. In line with the reform of the criminal justice and prison system undertaken in the Dominican Republic, there have been a number of important institutional developments relevant to the transformation of prisons into correctional and rehabilitation centres. These advances are in keeping with the introduction of new standards for criminal procedures and legislation to protect the fundamental rights of children and adolescents.

274. Under special legislation for minors, the purpose of the National Directorate for the Comprehensive Care of Adolescents in Conflict with the Criminal Law is to ensure that adolescents who have received criminal sentences do not serve their sentences in adult penitentiaries, that those who have had problems with the law are integrated into society and are offered valid, viable alternatives, and that the fundamental rights of those who enter comprehensive care facilities are always respected.

275. To that end, eight specialized prison facilities have been established, namely: the Comprehensive Care Facilities for adolescents in conflict with the criminal law of Manoguayabo, Santiago and San Francisco de Macorís and in the Najayo Prison Complex; the San Cristóbal Juvenile Preparatory Institutes, La Vega for males and Santo Domingo for females, and the “CERMENOR” Evaluation and Referral Centre. Activities and achievements include the creation of four units to monitor social and educational measures in Distrito Nacional and the provinces of Santo Domingo, San Cristóbal and La Vega.

276. The Dominican Public has been recognized by the United Nations Latin American Institute for the

Prevention of Crime and the Treatment of Offenders as a nation with best prison practices for adolescents.

277. In view of the urgent need for a special police force to deal with children and adolescents, Act No. 136-03 (Code for the System for the Protection and Fundamental Rights of Children and Adolescents) provides for the establishment of the Judicial Police Department for Children and Adolescents to support the juvenile criminal justice system. This is a technical body that specializes in the investigation and prosecution of criminal acts alleged to have been committed by adolescents and provides assistance to the Public Prosecution Service for children and adolescents.<sup>84</sup> The Department is staffed by both male and female officers who have been trained to work with adolescents and to respect human rights.

278. At the time that an arrest is made, they are required to inform adolescents of their rights and to bring them promptly before the corresponding office of the Public Prosecution Service for children and adolescents. All national police stations are to have one of these specialized departments to perform the duties assigned to it under the Code.<sup>85</sup>

279. The first 100 specialized judicial police officers (men and women) attended a four-month training course at the National School of Public Safety in Hatillo, San Cristóbal. A seminar was held at the School of the Public Prosecution Service for these newly appointed specialized officers upon their taking up their duties at the Santiago and San Francisco de Macoris Comprehensive Care Facilities for Adolescents in Conflict with the Criminal Law, with the support of ILO and the Ibero-American University.

280. In March 2009, a diploma course on criminal investigation and the presentation of evidence was inaugurated at the School of the Public Prosecution Service.

281. Currently (March 2011), 350 male and female members of the specialized Judicial Police Department provide services to the offices of public prosecutors and courts dealing with children and adolescents.

282. The right to equal legal safeguards is guaranteed by Act No. 136-03 (Code for the System for the Protection and Fundamental Rights of Children and Adolescents), which lays down the principles governing procedures in cases involving minors.<sup>86</sup>

283. In 2009, the judicial subsystem comprised 22 juvenile courts, 11 courts to monitor the enforcement of sanctions on adolescents in conflict with the criminal law and five appeal courts for children and adolescents. The Public Prosecution Service for children and adolescents is composed of 28 public prosecutors and seven Procurators-General of children's and adolescents' appeal courts. The Defence Service consists of 33 public defenders and 113 specialized defenders, the Specialized Judicial Police and 29 multidisciplinary Comprehensive Care Units covering all juvenile courts, the office of a National Coordinator for Children, Adolescents and the Family,<sup>87</sup> and the Commission for the Execution of Justice for Children and Adolescents.<sup>88</sup>

<sup>84</sup> Article 259 of Act No. 136-03.

<sup>85</sup> Article 260 of Act No. 136-03.

<sup>86</sup> Articles 221 to 252 of Act No. 136-03.

<sup>87</sup> Established by the Attorney-General's Office under resolution No. 12 of 21 March 2008.

<sup>88</sup> The Commission for the Execution of Justice for Children and Adolescents seeks to strengthen the specialized justice system in pursuance of Act No. 136-03. It does this through: institution-building, advocacy and social mobilization. It is composed of: CONANI, the Commissioner for the Reform and Modernization of the Justice System, the Directorate for Children, Adolescents and the Family of the Judiciary, the National Office of Public Defence, the Office of the National Coordinator for Children, Adolescents and the Family of the Attorney-General's Office, the National Directorate of

284. As no juvenile courts have been established in the past five years, there has been no increase in budget allocations to the judiciary for four years (see table below).

<i>Year</i>	<i>Judiciary budget</i>		<i>% approved</i>
	<i>Requested</i>	<i>Approved</i>	
2007	4 869 295 985	3 162 615 367	64.95
2008	5 665 573 939	3 546 363 317	62.59
2009	5 908 898 642	3 552 763 317	60.13
2010	5 911 745 819	3 362 204 138	56.87
2011	6 003 058 168	3 362 204 138	56.01

*Source:* Budget Division of the Judiciary.

285. During this reporting period, important steps have been taken in the judicial subsystem to overcome shortcomings and gaps in the technical training of judicial personnel. In the past three years, these changes have been introduced through the Attorney-General's Office, continuing a process of change that had already begun in 2005.<sup>89</sup>

286. In response to the recommendation in paragraph 87 of the Committee's concluding observations that "all necessary measures [be taken], including the adoption of a permanent policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible", the Attorney-General's Office has taken a number of initiatives to strengthen coordination with the community. The first initiative with the support group was the organization of monthly discussions with the parents of adolescents subject to alternative sanctions and workshops with adolescents on personal growth issues. These forums are currently ongoing and have been enhanced through the incorporation of a therapeutic dimension designed to shape the behaviour of the adolescents concerned.

287. In 2008, following the appointment of multidisciplinary teams for alternative sanctions in San Cristóbal and La Vega by CONANI and for San Pedro de Macorís by the Attorney-General's Office, a psychologist and a social worker were also appointed in the Santiago and San Francisco de Macorís centres and the San Cristóbal Juvenile Preparatory Institute. For the central office, two professional psychologists and one social worker were appointed, while the Attorney-General's Office recruited a psychologist.

288. Likewise, CONANI recently appointed a psychologist and a social worker for the Manoguayabo centre.

---

Comprehensive Care for Adolescents in Conflict with the Criminal Law, the Specialized Judicial Police, the National College of Magistrates and the National School of the Public Prosecution Service.

<sup>89</sup> In June 2005, a person was appointed to coordinate alternative sanctions, starting in the judicial district of San Cristobal. In December of that year, the person concerned was made national coordinator and, working with a team from the National Directorate of Comprehensive Care for Adolescents, has been taking the work forward. In 2006, socio-educational sanctions and guidance and supervision orders began to be put into effect through the Alternative Sanctions Coordination Unit in the office of the National Directorate responsible for handling cases involving alternative sanctions referred to it by Santo Domingo District and Province, La Vega, Santiago and other cities, with the support of a team of volunteers in the field of psychology as well as community involvement.

289. Since 2008, literacy and educational booster courses have been included in the framework of alternative sanctions for adolescents.

290. Since 2009, specific efforts have been made, with the collaboration of the Adult Literacy Directorate of the Ministry of Education, to reintegrate school dropouts into education.

291. Since the last quarter of 2010, the parent discussion groups have become therapeutic communities, with the support of the Department of Mental Health of the Ministry of Public Health.

292. Comprehensive care programmes for adolescents sentenced to alternative sanctions, on the subject of drugs and personal growth, have been developed since 2007 in coordination with CONANI, with UNICEF support for enhancement of the personal growth component.

293. In 2009, the technical team received further training courses and internal procedures were developed for action in cases involving different issues of individual and family care.

294. Priority has been given to the training of the technical team in charge of the application and execution of these sanctions through a number of courses and workshops developed by the National Directorate of Comprehensive Care for Adolescents in Conflict with the Criminal Law, such as:

- Planning and management of comprehensive care centres for adolescents in conflict with the law, theoretical and practical course from 14 to 16 February 2006, in facilities provided by the Juvenile Preparatory Institute (IPM);
- Management of comprehensive care centres for adolescents in conflict with the law, from 11 to 15 July 2007, under the sponsorship of PARME;
- Prosecution of cases: Execution of juvenile sanctions in Euskadi and in the Dominican Republic. From 15 to 18 January 2008, sponsored by the Attorney-General's Office;
- Strengthening of programmes of the National Directorate of Comprehensive Care for Adolescents in Conflict with the Criminal Law, from 30 June to 4 July 2009, sponsored by UNICEF;
- Workshop on "Abusive systems and organization of the child protection system", 10 June and 1 July, aimed at multidisciplinary teams in detention facilities and those responsible for alternative sanctions programmes.

295. Between 2010 and 2011, the programmes already developed were reviewed and others were introduced on the subject of sexuality for use in group therapy sessions.

296. Following review of the implementation of Act No. 136-03 sponsored by UNICEF in 2008, one of whose recommendations was that greater attention should be paid to the execution of such sanctions, all of the bodies concerned with children and adolescents forming part of the Attorney-General's Office engaged in internal consultations with a view to remedying the shortcomings identified.

297. In addition, an inter-agency committee was set up by the Attorney-General to determine comprehensive care policies, particularly in respect of alternative sanctions, for adolescents in conflict with the criminal law, composed of the Office of the National Coordinator for Children, Adolescents and the Family of the Attorney-General's Office, the Director of Comprehensive Care and CONANI personnel, with the support of UNICEF.

**2. Adolescents deprived of liberty**

	2008	2009	2010
Number of adolescents sanctioned by deprivation of liberty <sup>90</sup>	223	236	239

*Source:* National Directorate of Comprehensive Care for Adolescents in Conflict with the Criminal Law (DINAIA, PGR).

**3. Other socio-educational sanctions**

	2008	2009	2010
Number of adolescents sanctioned in ways other than deprivation of liberty <sup>91</sup>	146	151	122

*Source:* Alternative Sanctions Coordination Unit of DINAIA, PGR R.

**4. Physical and psychological recovery**

298. Since 2008, in addition to providing basic health coverage, the centres can call on the services of a psychiatrist for adolescents referred to them by the Alternative Sanctions Coordination Unit. These centres are run in collaboration with the Ministry of Health, through the Directorate of Mental Health, under the Alcohol and Drug Prevention Programme.

**5. Monitoring of social reintegration**

299. The multidisciplinary teams, which play an integral part in the work of the specialized courts, the NGO Programmes Monitoring Department, the work teams of the CONANI *Hogares de Paso* shelters and the victim support services of the Attorney-General's Office are involved in the social reintegration of children and adolescents at social risk who have been placed under a protection measure. However, no detailed information or evaluation is available in this connection. This is one of the areas for improvement in the system of protection.

**C. Children and adolescents subject to exploitation and measures to promote their physical and psychological recovery and social reintegration****1. Economic exploitation of children, including child labour**

<i>Indicator</i>	<i>Percentage</i>
Percentage of children between the ages of 10 and 14 years who work	13.4%

*Source:* ONE, ENHOGAR 2007. See attached Excel tables, VIII. 38.c.i\_Child labour.

<sup>90</sup> However provided for by State legislation.

<sup>91</sup> However provided for by State legislation.

## 2. Drug abuse

300. According to recent studies on child and adolescent drug abuse in the Dominican Republic (National survey on drug use among basic and middle level students, National Council on Drugs, 2009), children and adolescents use drugs at increasingly early ages, with ages of between 8 and 10 years reported in schools. In 2010, the Treatment Directorate of the National Council on Drugs monitored 24 care centres for adults with drug problems at the national level, where the presence of 95 children and adolescents was also noted.

301. There is much to suggest that the sale and use of drugs among young people under the age of 18 is a problem that is on the rise and that those who live on the street are most at risk. Drug use is a complex phenomenon involving a wide variety of factors. Where adolescents are concerned, the measures to be taken must be tailored to the particular needs of that population group and the individual needs of each adolescent.

302. Another group of adolescents with drug problems who do not receive suitable treatment are those deprived of their liberty by court order under the juvenile criminal justice system.

303. Unfortunately, the system of protection does not offer an adequate response to this challenge. Over and above drug prevention and counselling programmes, which treat students as a captive population, there is an urgent need to tackle the cases of those who live at personal and social risk (on the street or, already so affected, living with others in the same situation, or who have been deprived of their liberty by order of a court).

304. The prevention-oriented efforts made by institutions to help children and adolescents with drug problems through the dissemination of information are inadequate, making it necessary to establish a comprehensive care model capable of addressing each and every aspect of this complex issue.

305. Existing programmes, whether governmental or run by NGOs, need to get beyond the fragmented approach that they offer. Beyond the excuse of a lack of resources, an absence of specialized personnel or a need for training, it is becoming clear that an intervention model is required that is not only coordinated between its different parts (with all the stakeholders joining together and brainstorming about the problems) but that also follows common guidelines and procedures (agreements, networking arrangements, case referral levels).

306. The proposal of a drug treatment centre for young people under the age of 18 is in line with this need to fight drugs by creating such networking arrangements among child and adolescent protection programmes. It also addresses the need to stimulate and support measures to integrate those taken into care. CONANI, the Attorney-General's Office and the Ministry of Public Health, in particular, have partnered in efforts to find resources for the establishment of such a centre, outlined below, in the section on street children and youth.

## 3. Sexual exploitation and sexual abuse

307. The commercial sexual exploitation of minors can be seen as a particular form of trafficking in persons. The Inter-agency Commission against Sexual Abuse and Commercial Sexual Exploitation, co-chaired by the Ministry of Labour and the National Council for Children and Adolescents (CONANI), with the support of the ILO International Programme on the Elimination of Child Labour, is joining forces with the Public Prosecution Service and the Office of the Attorney-General for Children and Adolescents to

combat the sexual exploitation of adolescents in tourist spots like Boca Chica, Sosúa and Las Terrenas.<sup>92</sup>

308. Another matter to which the authorities are giving attention is trafficking in girls and women, particularly for purposes of sexual exploitation. Women trafficking networks operating in the country are reported and prosecuted by a wide variety of governmental and civil society organizations.

309. Governmental campaigns against the sexual abuse of women for commercial purposes, conducted through the channel of the Attorney-General's Office and the Migration Directorate and various NGOs and Dominican social communication media, include "The law hits hard" and "No to human trafficking". In addition, the Ministry of Women's Affairs and the NGO Finjus have collaborated in the production of a popular guide to Act No. 137-03 ("Understanding Act No. 137-03") and "Women, know your rights", with the radio spots written by psychologists, educationalists and legal experts.

310. None of the cases reported has met with indifference or indulgence in the face of such violations of human rights. One may cite as an example the drastic measures taken to deal with and put an end to the trafficking of women into Southern and Central America.

311. The authorities have taken a series of measures to counteract and regulate this movement of people. In addition to Act No. 137-03 on trafficking in persons and migrant smuggling, they passed Migration Act (No. 285-04) and Decree No. 575-07 of 2007, establishing the National Commission against Trafficking in Persons, which drew up the National Plan of Action against Trafficking in Persons and Migrant Smuggling (2009–2014). From 2004 to the end of 2008, more than 400 migration inspectors and police, military and civil officials were suspended, dismissed and/or prosecuted because of their involvement in trafficking in human beings and migrant smuggling.

312. Another of the main measures taken to halt migrant smuggling at the Dominican-Haitian border was the deployment in 2006 of a specially trained border control unit, CESFRONT. This represents an effort to protect the border on the Dominican side, not just by a military presence but also through preventive action by a body specially trained to maintain public order and ensure compliance with the Migration Act and relevant international conventions. Furthermore, under the "Women and Children" section of its curriculum, the School of Diplomacy has provided training on the subject of trafficking to 1429 consular and diplomatic officials.

313. Since 2004, the Directorate-General of Migration, with the assistance of the International Organization for Migration, has organized on its own initiative 12 training courses for 829 of its inspectors on migration techniques and Haitian affairs, and a further eight courses with the support of the embassies of the United States and France. The Dominican Government also participates in the project of the United Nations Office on Drugs and Crime on strengthening regional and national efforts to prevent and combat trafficking in persons in Latin America.

---

<sup>92</sup> The Inter-agency Commission against Sexual Abuse and Commercial Sexual Exploitation is composed of the following governmental and non-governmental institutions: the Ministry of Labour, the National Council for Children and Adolescents, the Ministry of Education, the Ministry of Foreign Affairs, the National Police, the Ministry of Public Health, the Ministry of Women's Affairs, the Supreme Court, the Attorney-General's Office, the Distrito Nacional Public Prosecution Service, the Family Institute, the Ministry of Tourism, the Tourism Police, the Directorate-General of Migration, the Inter-American Children's Institute (IIN), Muchachos con Don Bosco, Visión Mundial-RD; Proyecto MAIS; Proyecto Caminante, the NGO Coalition, the United Nations Children's Fund (UNICEF) and the International Programme on the Elimination of Child Labour of the International Labour Organization (IPEC/ILO).

#### 4. Other forms of exploitation

314. Act No. 136-03 gives special attention to mechanisms for intersectoral coordination, planning, monitoring, control and citizen participation and responsibility through the national system for the protection of children's and adolescents' rights, overseen by CONANI. The Dominican Labour Code and subsequent regulations of the Ministry of Labour prohibit the employment of children under the age of 14, place restrictions on the employment of children under the age of 16 and protect young people under the age of 18 from the worst child labour practices.<sup>93</sup> Nevertheless, and even though there has been a gradual decrease in the violation of these rules over the period 2003–2008, there has been no wavering in the efforts of the Dominican authorities and civil society organizations.

315. A recent ILO study, endorsed by the Ministry of Labour, found there to be 430,000 child labourers in the country and that those most affected were girls, for reasons of sexual exploitation. In June 2009, the Ministry therefore launched a project under the banner "Give girls a chance, stamp out child labour", specifically aimed at preventing and eradicating the worst forms of child labour. Child labour is used mainly in the informal sector, in small businesses, domestic work and agriculture.

316. It is particularly rife in the agricultural sector: children go and work with their parents in the fields, partly because parents have nowhere to leave them or because rural schools are open for only a few hours a day.

317. To counteract and wipe out this undesirable practice, the National Steering Committee for the Eradication of Child Labour, chaired by the Ministry of Labour, leads 31 municipal committees and three local committees, which in turn form monitoring networks bringing together governmental, business, trade union and civil society organizations.<sup>94</sup> Under the National Strategic Plan for the Eradication of the Worst Forms of Child Labour 2006-2016, the Committee succeeded in removing and protecting 27,300 minors from situations of risk and labour exploitation and reached out to 5,574 others through its programme of educational initiatives to eradicate child labour.

318. In response to the recommendations of that Committee, the authorities have introduced an additional programme whose ultimate goal is to prevent child labour and which will seek to put an end to the labour exploitation of 8,500 minors.

319. Other achievements of the National Steering Committee for the Eradication of Child Labour include setting up the self-managing Child Labour Unit; carrying out the National Strategic Plan for the Eradication of the Worst Forms of Child Labour 2006–2016, designed as a comprehensive approach to the problem; and resolutions 29-1993, on light work, 31-1993, on night work by minors in concerts and theatre performances, 52-2004, on dangerous and insalubrious work by minors under the age of 18, and 37-2005, establishing Local Steering Committees for the Prevention and Eradication of Child Labour.

<sup>93</sup> See Ministry of Labour resolution 52/2004 on dangerous and insalubrious work for persons under the age of 18.

<sup>94</sup> The National Steering Committee for the Eradication of Child Labour, chaired by the Ministry of Labour, also includes the Ministries of Education, Sport, Public Health and Social Welfare, Women's Affairs, Youth, the Economy, Planning and Development, and Agriculture and by the National Council for Children and Adolescents, the Office of the First Lady, the Dominican Municipal League, the Solidarity Programme, Muchachos y Muchachas con Don Bosco, Visión Mundial-Dominican Republic, the National Trade Union Council, the National Private Business Council, the National Confederation of Dominican Workers, the Family Institute, the Dominican Employers' Confederation, the Dominican Devtech System, UNICEF and ILO.

320. These efforts have resulted in a considerable decrease in the number of children and adolescents subject to the worst forms of child labour, dropping from 9.3 per cent in 2004 to 6.4 per cent in 2008. The Committee, in collaboration with civil society organizations, continues to work with the ILO International Programme on the Elimination of Child Labour, which seeks to remove 2,900 minors from situations of labour exploitation and prevent others from replacing them or entering the labour market. Its area of impact is the agricultural sector, in particular rice growing.

321. In addition, the Ministry of Labour systematically checks that no under-age persons are employed, paying particular attention to any activity relating to the sowing, cutting, hauling or transportation of sugar-cane. For monitoring, it has used the services of 203 inspectors, all of whom had been specially trained to track down and eliminate the worst practices of child labour. Furthermore, in partnership with the NGO Visión Mundial, it has launched a programme of action to prevent and eradicate child labour in the sugar mill villages of Barahona, Baoruco and Independencia.

322. To give a further boost to efforts to combat child labour, the Ministry of Education, alone or in partnership with a number of private companies and civil society organizations, is engaged in a special drive to ensure that all minors are in the classroom and not in workplaces. To that end, in 2003, it authorized undocumented minors of school age to follow the course of basic education, which is normally compulsory; this single measure benefits equally Dominicans and foreigners who have not been duly registered.

323. In addition to the Ministry of Education's own efforts to increase educational coverage, prevent school dropout and improve the quality of the education provided, the Social Affairs Cabinet of the Dominican Government has introduced a subsidy scheme for needy families, which requires them to take their children out of the workplace and put them into school. In 2008, educational subsidies were granted to more than 208,000 families on the condition that the school attendance rate of their children exceeded 85 per cent.

324. Thanks to this and other similar programmes, the school attendance rate rose between 2007 and 2009 in nearly all age groups, thereby contributing to the elimination of all forms of child labour.

325. A group of private companies and civil society organizations, in collaboration with the United States Department of Labor, are for their part engaged in a project entitled "Educating to combat child labour exploitation", administered by a Dominican NGO, EDUCA, and endorsed by the Dominican Government. Designed to protect minors from the risks of being exposed to the labour market and sexual exploitation, the project seeks to reach 10,000 minors through the "Spaces to grow" centres and occupational microcredit programmes.

326. In the villages around just one of the sugar mills in the San Pedro de Macorís region, there are already 14 "Spaces to grow" in operation with the collaboration of Save the Children and other local NGOs like the Dominican Institute for Comprehensive Development. In addition, the National Institute of Vocational Technical Training, INFOTEP, agreed in the 2008 to carry out a programme providing vocational technical training to 2,500 young people in vulnerable economic circumstances.

327. Other examples of the Dominican Government's commitment to the protection of children's and adolescents' rights include the programmes and services implemented by CONANI, such as the *línea 700* and *línea vida* telephone helplines for the prevention of child abuse and care of victims, which have served to respond to 209,189 calls; HIV/AIDS prevention and control projects; strengthening of the National Programme to Reduce Vertical Transmission, in 2004, the National Tuberculosis and Malaria Prevention Programme, in 2006, and two public awareness campaigns on the subject of children and

disability; 56 comprehensive childcare centres and 51 childcare centres for children under the age of 5, as well as 10 shelters for the protection and care of minors; and, in addition, 312 NGOs are carrying out child and adolescent protection and care programmes.

328. The strategy known as the Road Map is currently being implemented to make the Dominican Republic a country free of the worst forms of child labour. The six prongs of the strategy are: (1) Combating poverty and child labour; (2) Health policy and child labour; (3) Education policy and child labour; (4) Normative and institutional framework – comprehensive rights protection; (5) Awareness-raising and social mobilization, and (6) Knowledge creation and mechanisms to monitor policies contributing to the elimination of the worst forms of child labour.

329. The Road Map is a coordinated policy strategy combining economic, legal, institutional and labour market action aimed at promoting decent work in the countries of the Americas (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic). It thus serves as the national strategic framework to attain the targets set under the Hemispheric Agenda on Decent Work, adopted at the ILO Sixteenth Regional American Meeting held in Brasilia in 2006.

330. CONANI is responsible for administering the DevInfoLAC ESC system,<sup>95</sup> which, in order for there to be a single child labour monitoring system with one administrator, will be integrated with SETI INFO.<sup>96</sup> To date, four of six training workshops have been held on the use and operation of the system for 111 technical staff in the CONANI regional offices, municipal offices, municipal boards, comprehensive childcare centres and shelters, as well as for the multidisciplinary teams of the judicial subsystem.

## 5. Sale, trafficking and abduction

331. Trafficking in persons in any form, including women and minors, as well as migrant smuggling, is constitutionally prohibited in the Dominican Republic.<sup>97</sup> Nevertheless, violations of the constitutional provisions and positive laws of the country continue to be reported, giving great concern to Dominican society and its authorities.

332. According to the NGO *Centro para la Orientación e Investigación Integral* (COIN), between 17,000 and 33,000 Dominican women abroad are victims of trafficking. The main countries of destination are in Western Europe, Argentina, Brazil, Central America and the Caribbean, and most of the victims are uneducated, single women seeking better living conditions for their children. Within the country, victims are typically women or adolescent girls trafficked for sexual exploitation in urban or tourist areas. According to COIN and the International Organization for Migration, the trafficking organizations are typically small groups who know the future women victims through friends and relatives.

333. Consequently, in October 2007, the Dominican Government set up the National Commission for the Prevention of Trafficking in Persons, charged with framing a national strategy to that end and protecting victims. The Attorney-General's Office, through its Unit on the Prevention of Trafficking in Persons, coordinated the investigation and prosecution of all cases of human trafficking.

<sup>95</sup> System of indicators on commercial sexual exploitation in Latin America and the Caribbean.

<sup>96</sup> Child labour monitoring system.

<sup>97</sup> Since 2004, the Department for the Prevention of Migrant Smuggling and Trafficking in Persons has been giving effect to Act No. 137-03. It remains actively engaged in fighting human trafficking through inspections and investigations in high-risk areas, closures of places of operation and prosecution of those involved, cooperation and follow-up with concerned bodies and public information campaigns, as well as national workshops and seminars.

334. Units of the National Police, the Migration Directorate and the Attorney-General's Office focus on trafficking in persons, as did the Inter-agency Committee for the Protection of Migrant Women. At the international level, the Ministry of Foreign Affairs has put in place a global network of consular officials trained to recognize and assist Dominican victims of trafficking.

335. The Prevention Unit of the Department for the Elimination of Trafficking in Persons of the Attorney-General's Office, in coordination with the Ministries of Labour and Education, has continued its awareness-raising drive in the country's schools. COIN, for its part, has been running a Health and Migration Information Centre for Migrant Women, which has conducted community education campaigns in high-risk areas.

336. However, in this context, a clarification is in order. The children and adolescents who enter the Dominican Republic from Haiti are not necessarily more victims of child trafficking. UNICEF<sup>98</sup> already explained in 2004 that the majority of the 2,000 Haitian minors who enter the country do not fall into this category but come for reasons of family reunion or under special arrangements whereby someone will take responsibility for them in an attempt to provide them with better opportunities and improve their prospects.

## 6. Street children and youth

337. The Dominican Government does not have information about the number, whereabouts and socio-economic situation of street children and youth.<sup>99</sup> There are programmes directed towards this vulnerable part of the population. These NGO and governmental programmes,<sup>100</sup> together with the measures planned by the Government with ILO support to eradicate child labour, constitute the national response to this particular problem.

338. In 2007, CONANI, as the governing body for the system of protection, drew up "Policy guidelines for the comprehensive protection of street children and youth 2007–2012",<sup>101</sup> approved by the CONANI National Board under resolution No. 05/2007 of 6 November 2007. These guidelines cover the context and characteristics of the problem, strategies to be developed to resolve it and the partnerships and synergies needed to give practical effect to the strategies proposed. However, in the years following their launching, insufficient funds were budgeted for them to be put into operation.

339. Notwithstanding the lack of financial resources, the guidelines have helped to shape and steer a number of initiatives, like the proposal to the Ibero-American Child Development Fund in 2008 of a project on "Enhancing the protection system's ability to reduce the number of street and at-risk children and youth in the Dominican Republic",<sup>102</sup> which enabled CONANI to receive technical and financial assistance from the Government

<sup>98</sup> UNICEF, "Trafficking of Boys, Girls and Young People from Haiti to the Dominican Republic" (2004). See also: [www.unicef.org/republicadominicana/english/protection\\_12467](http://www.unicef.org/republicadominicana/english/protection_12467).

<sup>99</sup> This information is repeatedly requested by various United Nations human rights committees.

<sup>100</sup> Under the leadership of the Armed Forces, the shelter and accommodation programme for early citizenship education of children and adolescents who roam the streets has been intensified. These children now receive education, healthcare, food and discipline, thereby allowing them to find a place and assume a productive role in society, helping to break the cycle of poverty. In addition, the Ministry of Labour, jointly with IPEC-ILO and NGOs (Acción Callejera, in Santiago, and Canillitas con Don Bosco, in Santo Domingo), has been carrying out a series of programmes designed to take children out of the streets, or in other words to combat urban child labour, with the aim of bringing them back into their families and allowing them to have access to education.

<sup>101</sup> See at [www.conani.gov.do](http://www.conani.gov.do).

<sup>102</sup> See annex, CONANI project to the Ibero-American Child Development Fund.

of Chile.<sup>103</sup> In addition to the collaboration of Chilean institutions, such as the National Service for Minors (SENAME), the Ministry of Planning and Cooperation (MIDEPLAN) and the Narcotics Control Board (CONACE), CONANI also benefited from the cooperation of the Institute on Alcoholism and Drug Dependence (IAFA) in Costa Rica, as a country associated with the project.

340. In a short space of time (24 months/2008–2010), the project led to substantial progress in putting into effect the policy guidelines for the protection of street children and youth. As the goal was to reduce the number of such children, the measures taken were so designed as to contribute to capacity-building in key areas of the system and to progress in establishing models and/or mechanisms to advance: the capacity of the education system to retain in school children and adolescents at personal and social risk; the capacity of the health care system to provide comprehensive care to children and adolescents with problems of drug abuse; and the possibility, through local initiatives, of carrying out pilot projects in La Romana and San Juan de la Maguana.<sup>104</sup>

341. The achievement rate for the goals set for the project<sup>105</sup> was 85 per cent. The system uses a comprehensive intervention model for street children and youth and/or children and youth with drug problems, with the participation of various governmental and civil society institutions and programmes directed towards children and adolescents at personal and social risk. This year (2011), the first Comprehensive Care Centre<sup>106</sup> for children and adolescents with drug problems is due to open; it will make use of specialized methods and techniques to best serve the interests of these children and adolescents and their families. CONANI has invested over RD\$ 5,000,000 to this end, in infrastructure improvements for the centre, for which post descriptions, an organization chart and various programming tools have also been developed.

342. What has been lacking for a coherent approach to this problem has been a common framework of action for concerned institutions in the main cities of the country with a significant presence of street children and youth at personal and social risk. A useful framework for programme partnerships between service operators is in fact provided by the strategy proposed in the policy guidelines for the system of protection. One of the (preliminary) outputs is the proposed creation of a protection network for this vulnerable group, serving to unify the existing patchwork of programmes.

#### **Need for a network of care services for street children and youth**

In seeking to define the purposes to be served by this network, we have given considerable thought to the shortcomings of the system of protection in providing an effective response to the problem of street children and youth:

<sup>103</sup> The Ibero-American Child Development Fund focuses on South-South cooperation. It seeks to provide opportunities for exchanges of experience on child and adolescent development and a horizontal path towards the goals set by the Ibero-American countries, tailoring them to cultural, territorial and organizational specificities. The support was offered on the occasion of the Seventeenth Ibero-American Summit of Heads of State and Government, held in Santiago in 2007, during which President Michelle Bachelet Jeria, on behalf of the Government of Chile, called on all the countries of the region to strengthen and consolidate the systems of child and adolescent protection in the Dominican Republic, through CONANI which, enthusiastically welcoming this new line of approach, obtained technical and financial assistance for the project.

<sup>104</sup> These two local initiatives are currently under way.

<sup>105</sup> Section VII of this report alludes to the results of the project and the introduction of the Rules of the Education System for Living Together and Maintaining School Discipline.

<sup>106</sup> Project component I: CONANI in partnership with the National Council on Drugs.

(a) Resources are limited and it is difficult to explain the systemic perspective that should characterize the services offered. It is therefore proposed that an effort be made to address the fragmentation of programmes, which far from overcoming the children's and adolescents' vulnerability, simply leads to a postponement of their integration into the family, the school and the community, where the risk can be contained and development fostered;

(b) The lack of resources<sup>107</sup> to finance and ensure the continuity of programmes (including those considered to embody good practices) creates uncertainty among operators of the system dealing with the problem and means that time that should be used to organize activities and interact with other social programmes or achieve greater impacts is spent looking for financial support so as not to close programmes.

Initial aim: on the basis of existing programmes (NGO programmes and action under governmental social programmes), step up comprehensive care efforts for street children and youth and/or children and youth with drug problems.

Reference goals:

- Develop strategies for establishing points of complementarity between specialized protection programme actions and anti-poverty programme operators and public action;
- Improve programme actions conducive to exchanges of experience and resources, especially for diagnosis, evaluation and social and family support;
- Highlight in decision-making forums the fundamental rights of those who live in conditions of vulnerability;
- Stimulate community participation in action to prevent or avert further cases of children and adolescents subject to the worst forms of child labour, living on the street and/or addicted to drugs.

*Source:* (Preliminary) Proposal for a protection network for street children and youth. CONANI policy management, 2009.

<sup>107</sup> Suitable equipment, continuing training, labour sustainability of staff, etc.

## Statistical Annex

### I. General measures of implementation

Training concerning the Convention given to professionals who work with or for children, including:

#### 1.1. Trained judicial personnel (judges and magistrates)

Table 1  
**Total juvenile court judges trained concerning the content of the Convention, 2007–2010**

<i>Training and description</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
No. of training courses	1	1	1	1
No. of judges trained	31	18	38	11
Judges recently appointed to juvenile courts		1	-	9
<b>Total</b>	<b>32</b>	<b>20</b>	<b>39</b>	<b>21</b>

*Source:* National College of Magistrates.

The training received by recently appointed judges is given to them when they are promoted or transferred from an ordinary court to a juvenile court.

#### 1.2. Law enforcement personnel

Table 2  
**Law enforcement officers trained concerning the content of the Convention, 2006–2010**

<i>Course</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Criminal justice for adolescents		3 <sup>108</sup>	3	3	3
Workshop on the system of sanctions established by Act No. 136-03	1				
Workshop on the international abduction of children and adolescents		1			
Day for the promotion of programmes of the National Directorate for Adolescents in Conflict with the Criminal Law			1		
Workshop on the execution of juvenile sanctions in Euskadi and the Dominican Republic			1		
Workshop on socio-educational measures			1		
Training on child support			1	1	1
Seminar on the worst forms of child labour					1

<sup>108</sup> Average data given that between 2007 and 2010, 13 special training programmes were provided for the Public Prosecution Service, with 32 hours devoted to criminal justice for adolescents (the programme of study begins with the Convention, the various international instruments, etc.).

<i>Course</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Training in Madrid, Spain, on criminal justice for adolescents, sanctions and role of the sentence enforcement judge, with the support of PARME		1	1		
Workshop on filiation			1		
First course on judicial protection for children and adolescents. Nicaragua City with UNICEF support					1
Training in Guatemala on adoption with UNICEF support				1	

*Source:* CEJNA.

The Commission for the Execution of Juvenile Justice (CEJNA) and the Commissioner for the Reform and Modernization of the Justice System have held seven diploma courses on the Code for the System for the Protection and Fundamental Rights of Children and Adolescents (with reference to the Convention) in Distrito Nacional, Santo Domingo province, Barahona and San Juan de la Maguana. Workshops and seminars on Act No. 136-03 and the Convention have included the following:

Table 3

**Workshop on Act No. 136-03 and the Convention on the Rights of the Child: general public trained concerning content of the Convention, 2007–2010**

<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Total</i>
635	550	1 278	345	<b>2 808</b>

*Source:* Commissioner for the Reform and Modernization of the Justice System.

Under the early childhood comprehensive care programme implemented by CONANI through the Education Department in 2007, 2008, 2009 and 2010, 1,124 workshops were held for educators on the Convention on the Rights of the Child.

Table 4

**Teachers in the Comprehensive Care Centre trained concerning content of the Convention, 2007–2010**

<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Total</i>
220	240	300	364	<b>1 124</b>

*Source:* Early childhood comprehensive care programme, Education Department.

### 1.3. Health-care personnel

While the Ministry of Health does not possess this information in the case of health personnel, it can be said that at least 2,300 of such personnel have benefited from various training workshops offered to multidisciplinary teams on the Convention on the Rights of the Child and other related topics through partnerships with a number of regional and provincial initiatives.

#### 1.4. Social workers

Table 5

##### Law enforcement officers trained concerning the content of the Convention, 2007–2010

	2007	2008	2009	2010	Total
	1	3	2	4	10

Source: CONANI.

## II. Definition of the child

On the basis of the following definition of the child and the adolescent contained in Act No. 136-03: “A child is considered to be any person from birth up to the age of 12 inclusive, and an adolescent, any person from the age of 13 until the age of majority”, we consider that statistical data must be shown disaggregated by sex, as set out in the annexed document provided by the National Statistics Office (ONE).

Disaggregated data on the number and proportion of persons under the age of 18 living in the territory:

Table 6

##### Proportion of persons under the age of 18 years

Indicator	2007	2008	2009	2010
Estimated percentage of the population under 18 years	40.66	40.26	39.85	39.44

Source: ONE-Dominican Republic: Population estimates and projections 1950–2050 (2007 update).

Note: See estimates and projections of the number of persons under the age of 18 by gender and age for the period 1990–2020 in the Dominican Republic, Annex in document Excel II.4.

See tables in attached document Excel II.4.

## III. General principles

Disaggregated data on deaths of persons under the age of 18 years in the circumstances described.

### 3.1. Extrajudicial, summary or arbitrary executions:

Since there is no information system in the Dominican Republic that records such executions of adults, far less minors, we have no full knowledge of such cases at the national level. It is recognized that the justice sector also needs to monitor and report such cases systematically.

We suggest that cases of the execution of minors by adults should be handled by specialized judicial personnel of the System for the Protection of Children and Adolescents and not by an ordinary public prosecutor or judge, even one with experience of the extrajudicial execution of adults. It must be noted, however, that in 2008 an unfortunate incident occurred when three minors lost their lives at the hands of three members of the National Police, who had assumed that the adolescents were carrying out a robbery. The three officers were tried by the Dominican State and sentenced to a 30-year prison term. However, on appeal to the Court of Appeal, a new trial was ordered by judgement

No. 531/2010, whereby the case was referred to the Second Collegiate Court of Santo Domingo Province. In March of the current year, that Court, by judgement No. 72-2011, acquitted the defendants of all criminal responsibility.

### 3.2. Application of capital punishment

Capital punishment does not exist in the Dominican Republic, as stipulated in article 37 of the Constitution.

### 3.3. Illnesses, including HIV/AIDS, malaria, tuberculosis, polio, hepatitis and acute respiratory infections

Table 7

**Malaria deaths by selected age groups in the Dominican Republic, 2007–2010**

Age	2007	2008	2009	2010
Under 5	0	0	0	0
5 to 9	2	1	0	1
10 to 17	3	2	2	4
<b>Total</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>5</b>
<b>Total all ages</b>	<b>17</b>	<b>11</b>	<b>14</b>	<b>15</b>

Source: National Centre for Tropical Diseases, Ministry of Public Health

Table 8

**Polio cases annually**

2007		2008		2009		2010	
Number	Gross rate	Number	Gross rate	Number	Gross rate	Number	Gross rate/
0	0.00	0	0.00	0	0.0	0	0.00

Source: Basic health indicators, Dominican Republic/2010.

#### *Acute respiratory infections:*

We suggest that the Ministry of Public Health include in the report the measures taken to reduce the incidence of such diseases. We also suggest that the data provided be disaggregated by sex.

We recognize that some groups are more vulnerable than others to this kind of disease, for example children with disabilities. It would therefore be useful to have information about the prevalence of such diseases in that population group.

### 3.4. Traffic or other accidents

A system should exist for reporting cases of minors suffering from disabilities as a result of such accidents, in order to provide information on the number of persons thus affected.

### 3.5. Crime and other forms of violence

### 3.6. Suicide

*Dominican Republic: Deaths of persons under the age of 18 years*

Table 9

#### Tuberculosis

<i>Infantile TB</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	
All TB cases countrywide	4 802	4 302	4 413	4 319	4 160
Population under the age of 15 +B18	3 072 073	3 072 073	3 072 073	3 072 073	3 112 735
Population under the age of 5	1 033 780	1 033 780	1 333 780	1 033 780	1 888 621

*Source:* ONE, \*Rate per 100,000 inhabitants.

Table 10

#### Other causes of deaths of persons under the age of 18 years

<i>Indicator</i>	<i>Rate</i>
Rate of death by homicide of persons under the age of 18 per 100,000	1.8
Rate of death by suicide of persons under the age of 18 per 100,000	0.4
Rate of death by drowning of persons under the age of 18 per 100,000	2.3
Rate of death by electrocution of persons under the age of 18 per 100,000	0.5
Rate of death by traffic accident of persons under the age of 18 per 100,000	3.1

*Source:* ONE – National Statistics Office/2009, Commentary: see annexed tables. III.5.

## IV. Civil rights and freedoms

Table 11

#### Registration of births by year from 2001, according to age at time of registration

<i>Age</i>	<i>Year of registration</i>								
	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
<b>Total</b>	<b>136 064</b>	<b>144 444</b>	<b>143 963</b>	<b>137 882</b>	<b>138 255</b>	<b>137 523</b>	<b>151 330</b>	<b>160 822</b>	<b>170 887</b>
0	136 064	140 516	134 055	124 230	120 782	115 844	117 989	126 946	129 500
1		3 928	7 010	6 183	6 173	6 278	7 615	7 218	7 746
2			2 898	4 863	4 726	4 723	6 567	5 789	6 162
3				2 606	4 482	4 432	5 845	5 445	5 801
4					2 092	4 227	5 871	4 948	5 759
5						2 019	5 269	4 809	5 272

Age	Year of registration								
	2001	2002	2003	2004	2005	2006	2007	2008	2009
6							2 174	3 944	4 719
7								1 723	4 115
8									1 813

*Source:* National Statistics Office (ONE), with information from the Civil Registry (see attached Excel file IV.8).

#### *Birth registration*

Information on the number and percentage of children who are registered after birth, and when such registration takes place.

#### **4.1. Access to appropriate information**

The report should contain statistics on the number of libraries accessible to children, including mobile libraries.

#### **4.2. The right not to be submitted to torture or other cruel, inhuman or degrading treatment or punishment**

States Parties should provide data, disaggregated as described in paragraph 1 above and by type of violation, on:

##### **4.2.1. The number of children reported as victims of torture**

Torture does not exist in the Dominican Republic, nor is there any record of any fact involving a person under the age of 18 years who has been subjected to torture.

##### **4.2.2. The number of children reported as victims of other cruel, inhuman or degrading treatment or other forms of punishment, including forced marriage and female genital mutilation**

This does not apply to the Dominican Republic, whether in respect of cruel, inhuman or degrading treatment or of forced marriage. Marriage is voluntary and may be entered into freely from the age of 18. However, if a young person aged between 16 and 17 wishes to be married, he or she may do so with the written permission of his or her parents, duly approved in turn by a civil judge. Civil Code, article 144 ff., Civil Status Act No. 659, article 56.

#### **4.3. The number and percentage of children who received special care in terms of recovery and social reintegration:**

Of a total number of 3,030, or 0.08 per cent of the population under the age of 18 years, 403 were admitted into the CONANI temporary shelters (*Hogares de Paso*) and 2,627 into governmental and non-governmental organization residential care programmes, supervised by CONANI.

Table 12

**Percentage of children who received special care in terms of recovery and social reintegration**

	2007	2008	2009	2010	2011
Children and adolescents admitted to CONANI <i>Hogares de Paso</i>	415	481	318	710	403*
Children and adolescents admitted to NGOs shelters supervised by CONANI	89	-	2 857	2 975	2 627
<b>Total</b>	<b>504</b>	<b>481</b>	<b>3 175</b>	<b>3 685</b>	<b>3 030</b>

*Source:* Institutional reports and administrative records of the *Hogares de Paso* Directorate.

\* In May.

*Source:* Based on “República Dominicana: Estimaciones y Proyecciones de Población. 1950–2050. Tomo I. Resultados. Revisión 2007”. ONE. Unpublished.

## V. Family environment and alternative care

### 5.1. Number of services and programmes aimed at rendering appropriate assistance to parents and legal guardians in the performance of the child-rearing responsibilities and the number and percentage of children and families that benefit from these services and programmes

The Attorney-General’s Office set up the National Directorate for the Comprehensive Care of Child and Adolescent Victims, whose function is to give psychological and therapeutic assistance to child and adolescent victims and to provide ambulatory therapeutic follow-up for families. It is estimated that, in the past two years, more than 150 individuals and families have received psychological and therapeutic assistance through this service.

### 5.2. The number of available childcare services and facilities and the percentage of children and families that have access to these services

The National Council for Children and Adolescents (CONANI), through its General Management of Programmes and Services, operates two comprehensive care programmes. Comprehensive Care Centres for Children and Adolescents (CIANIs), which currently number 52 distributed throughout the national territory, take care of more than 15,000 boys and girls aged between 45 days and 6 years through early education services, psychological guidance, social work, and health-care and nutrition support, with family and community involvement.

During this period, 4,694 boys and 4,616 girls, or a total of 9,310 children benefited from the comprehensive services provided by those centres, including an education programme corresponding to first level, subsequently going on to basic education schools to continue the learning process.

The table shown below provides a breakdown of the number of children who attended the CIANI childcare centres in the period 2007–2011 and went on to basic education, and also the number of follow-up visits to help the children meet adjustment and learning challenges and provide parents and/or guardians with guidance, in particular through dialogue with educators in charge of CIANI children and adolescents and participation in parent meetings in the various schools.

Table 13  
**Children having stayed in CIANI centres**

<i>Gender</i>	<i>Year</i>					<i>Total</i>
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	
Male	1 362	1 320	1 234	778		<b>4 694</b>
Female	1 384	1 326	1 073	833		<b>4 616</b>
<b>Total</b>	<b>2 746</b>	<b>2 646</b>	<b>2 307</b>	<b>1 611</b>		<b>9 310</b>

*Source:* Early Childhood Care Programme.

Table 14  
**Follow-up of children leaving CIANI centres**

	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>Total</i>
Number followed up	156	210	672	300		<b>1 338</b>
Children in care	2 450	2 646	4 925	4 146		<b>14 167</b>

Family care is provided through home visits, interviews and counselling aimed at involving families in the educational process of their children and in seeking possible solutions to any difficulties that may arise. During the same period, 53,269 home visits, 94,291 interviews and 75,715 counselling sessions took place.

Table 15  
**Care received by the families of children in childcare centres**

<i>Care</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>Total</i>
Home visits	15 591	22 250	2 908	12 520		<b>53 269</b>
Interviews	37 116	18 595	13 700	24 880		<b>94 291</b>
Counselling	31 898	2 545	29 000	12 272		<b>75 715</b>
<b>Total</b>	<b>84 605</b>	<b>43 390</b>	<b>45 608</b>	<b>49 672</b>		<b>223 275</b>

*Source:* Institutional report.

The second programme run by CONANI concerns the *Hogares de Paso*. These are shelters providing temporary accommodation to children and adolescents at personal or social risk, who have suffered from ill-treatment in any form and who require help from the State. Those admitted into these shelters are expected to stay for the shortest possible time and, in any case for no more than six months; this is considered to be sufficient time to restore their rights and/or find alternative solutions. The children and adolescents concerned receive therapeutic, personalized, comprehensive, regulated, preventive and family care. To facilitate such care, the shelters are divided up by age group and gender. There are currently eight *Hogares de Paso*.

The National Council for Children and Adolescents (CONANI) is responsible for advising, training and giving technical and economic support to NGOs, where necessary, in order to ensure the implementation of measures of protection and care aimed at children and adolescents.

In accordance with paragraph 1 (a) of Act No. 136-03, which calls for “the adoption of policies, plans and programmes related to children and adolescents to be designed and

implemented by organs of the Council”, the CONANI National Board, on 6 November 2007, approved by resolution 03/2007 the Regulations for the Registration and Supervision of Programmes and Services of Governmental and Non-governmental Institutions that carry out programmes for children and adolescents. The proposed regulations require the establishment of administrative, financial and technical criteria for the registration, certification, monitoring, oversight, support, follow-up and evaluation of programmes and services offered by governmental and non-governmental institutions so as to guarantee the rights of children and adolescents and ensure the efficient, effective, sound and comprehensive management of activities in the Dominican Republic.

The oversight team remains active, numbering 13 members, who perform their duties throughout the national territory, in respect of specific areas and NGOs. They conduct monthly visits to organizations which result in administrative and logistic improvements.

Various care arrangements are provided by the 357 NGOs registered, in accordance with the provisions of articles 456 to 461. Of these, 265 provide ambulatory care, 85 provide residential care and seven look after children and adolescents with disabilities and special needs.

### 5.3. Children separated from parents

With reference to children separated from parents, States parties should provide data, disaggregated as described in paragraph 1 above, on:

#### 5.3.1. The number of institutions for these children, disaggregated by region, the number of places available in these institutions, the ratio of caregivers to children and of the number of foster homes

Table 16

#### Governmental and non-governmental organizations

<i>No.</i>	<i>Name</i>	<i>Number of children</i>
1	Orfanato Escuela Rosa en el Desierto	61
2	Hogar Escuela Rosa Duarte	123
3	Hogar Santo Domingo Savio	148
4	Hogar Niña de Dios	14
5	Hogar Infantil Yireh	16
6	Hogar Pasitos de Jesús	12
7	Hogar entre Nosotros Mañana y los Niños (ENED)	18
8	Hogar Pesebre de Belén	16
9	Hogar Remar Jeshua	20
10	Hogar Remar Sanisi	23
11	Hogar Remar Siloe	16
12	Fundación Proyecto Ayuda al Niño (PAN)-Hogar Casa de Luz	24
13	Hogar Rebeca	12
14	Hogar Villa Bendición (Boys)	21
15	Hogar Villa Bendición (Girls)	26
16	Hogar Ángeles Custodios	28
17	Fundación Giovanni Frasson (Hogar Padre Daniell)	6

<i>No.</i>	<i>Name</i>	<i>Number of children</i>
18	Programa Yo También	25
19	Hogar El Faro Niños para Cristo	24
20	Hogar de Niños Huérfanos, Inc	32
21	Instituto Preparatorio de Menores	64
22	Hogar Nuestra Señora de La Altagracia	73
23	Hogar Niños y Niñas Doña Chucha	83
24	Hogar Escuela Armando Rosemberg	106
25	Hogar de Niñas Rafaela Ibarra	11
26	Hogar de Niños Padres Fantino	32
27	Hogar Gosen	11
28	Hogar Manna Internacional	8
29	Centro de Estudios Padre Abel	4
30	Hogar Virgen de Lourdes	15
31	Centro de Asistencia a la Niñez	12
32	Hogar Divino Niño Jesús	20
33	Hogar de Niñas Madelaes	17
34	Casa Rosada	31
35	Hogar Luisa Ortega	29
36	Fundación Niños de la Luz	8
37	Casa Albergue Martina	21
38	Mustand Seed Comunitaris	20
39	Casa Nasaret	17
40	Escuela Hogar Sor Petra Grullón	28
41	Hogar Dominicás	14
42	Aldeas Infantiles SOS-Santiago	136
43	Hogar de Niñas Santa María	18
44	Fundación Sonrisa de Niño	14
45	Hogar Nueva Esperanza	5
46	Hogar Divina Providencia	8
47	Hogar Emiliano Tardiff	31
48	Hogar Escuela Génesis	13
49	Hogar Betesda	11
50	Fundación de Niños y Niñas para Cristo	140
51	Fundación un Mundo Mejor para la Niñez Desamparada	17
52	Hogar Renacer	12
53	Centro Amanecer Infantil	18
54	DIGFARCIN	17
55	Hogar Jeremi de Amor	18
56	Fundación Casa Hogar Bethesda	29
57	Centro para la Niñez Jaibon	19

No.	Name	Number of children
58	Hogar La Esperanza de un Niño	40
59	Vida para Niños (El Arca) Constanza	24
60	Vida para Niños (El Arca) Jarabacoa	68
61	El Arca de Niños Dominicanos III	20
62	Escuela Hogar Profesora Mercedes Amiama	22
63	Fundación Nuevo Futuro	8
64	Hogar María Madre	38
65	Hogar Campestre Adventista Las Palmas	46
66	Hogar San Francisco de Asís	14
67	Jakie House	25
68	Aldeas Infantil SOS-Los Minas	120
69	Aldeas Infantiles SOS-Los Jarines del Norte-	127
70	Hogar Mercedes de Jesús Hermanas Marianitas	26
71	Fundación Hogar Nuestros Pequeños Hermanos	200
72	Hogar Infantil Corazón de Jesús	54
<b>Total</b>		<b>2 627</b>

Source: National census of children and adolescents in the institutional care of governmental and non-governmental residential care organizations.

### 5.3.2. The number and percentage of children separated from their parents who are living in institutions or with foster families, as well as the duration of placement and frequency of its review

Table 17

#### Children separated from their parents who are living in institutions or with foster families

	2007	2008	2009	2010	2011
Children living in CONANI temporary shelters ( <i>Hogares de Paso</i> )	415	481	318	710	403*
Children accommodated by NGOs supervised by CONANI	89	-	2 857	2 975	2 627**
<b>Total</b>	<b>89</b>	<b>481</b>	<b>3 175</b>	<b>3 685</b>	<b>3 030</b>

Source: Institutional reports and administrative records of the Directorate of *Hogares de Paso*.

\*\* National census of children and adolescents in the institutional care of governmental and non-governmental residential care organizations.

Of a total number of 3,030, or 0.08 per cent of the population under the age of 18,403 are accommodated in CONANI *Hogares de Paso* and 2,627 by governmental and non-governmental residential care organizations, supervised by CONANI.

**5.3.3. The number of children in domestic (official and unofficial) and intercountry adoption programmes disaggregated by age and with information on the country of origin and of adoption for the children concerned**

Table 18

**Children in domestic adoption programmes**

<i>Type of adoption</i>	<i>Year</i>				
	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Domestic adoption	29	22	48	52	20
Intercountry adoption	24	15	19	26	50
Applications decided	-	-	62	57	9
Applications pending	-	-	05	11	15

*Source:* CONANI Department of Adoptions.

**5.3.4. The number of children abducted from and to the State party**

The Hague Convention on the Civil Aspects of International Child Abduction provides children and adolescents with international protection from the risks of their wrongful removal or retention and establishes procedures to ensure their prompt return to the State of habitual residence and also protects the rights of access. It highlights two major aims:

- To secure the prompt return of children wrongfully removed to or retained in any Contracting State; and
- To ensure that the rights of custody and of access under the law of one Contracting State are duly respected in the other Contracting States.

Table 19

**Cases referred to the Central Authority for implementation of the Hague Convention**

<i>International abduction of minors</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Current cases			124	80	
New cases reported	39*	54	15	28	7
Cases resolved		20	21	33	9
Cases cancelled		-	56	23	
Cases pending		-	47	24	
Cases within the scope of the Convention		26	30	54	
Cases under the Convention resolved administratively		6	9	17	8
Cases under the Convention resolved judicially	2	4	3	2	1

*Source:* Legal Department and reports 2007–2010.

\* The Convention began to be applied to cases reported from 1 June 2007.

**5.3.5. The number of perpetrators arrested and the percentage of those that were sanctioned in (criminal) courts**

Information should also be included on the relationship between the child and the perpetrator of the wrongful removal. Abuse and neglect (article 19), including physical and psychological recovery and social reintegration.

**5.3.6. The number and percentage of children reported as victims of abuse and/or neglect by parents or other relatives/caregivers**

Table 20

<i>Provenance</i>	2007	2008	2009	2010	2011
<i>Línea 700</i> helpline (Attorney-General's Office)	372	221	243	301	1 27
Directly to Attorney-General's Office		10	13	20	10
Robert Read Cabral Children's Hospital (Attorney-General's Office)	-	-	-	3	22
Public Prosecution Service	939	921	933	885	-

*Source:* Data provided by the Attorney-General's Office and the Distrito Nacional Public Prosecution Service.

**5.3.7. The number and percentage of those cases reported that resulted in sanctions or other forms of follow-up for perpetrators:**

Referrals are made and the receiving authority does not always report the resulting sanctions. There is consequently a need to strengthen the follow-up mechanism in order to know what occurs following referral.

**5.3.8. The number and percentage of children who received special care in terms of recovery and social reintegration.**

Of the cases reported through the *línea 700* helpline, 90 per cent are referred for family therapy to State hospitals and to the Directorate of Comprehensive Care for child and adolescent victims, as well as to NGOs that work with children like IDI.

Serious criminal cases are referred to specialized prosecution services for sexual abuses or prosecution services for family and juvenile affairs.

General guidance is also provided in a variety of areas (custody, visits, child support, etc.).

Referrals are made for late birth registration, in particular.

## **VI. Basic health and welfare**

### **Children with disabilities (article 23)**

States parties should specify the number and percentage of children with disabilities, disaggregated as described in paragraph 1 above and by the nature of their disability.

**6.1. Whose parents receive special material or other assistance**

**6.2. Who are living in institutions, including institutions for children with mental disabilities, or outside their families, such as in foster care**

**Ángeles del CONANI:** This is a programme of special care for children and adolescents with severe disabilities, especially those who have been abandoned by their families or who are from poor families. It seeks to provide comprehensive care conducive to social and family integration or to serve as a model centre for specialized care. It covers the following disabilities: psychomotor retardation, mental retardation, cerebral paralysis, after-effects of meningitis, microcephaly, Down syndrome and autism. The services it

provides include dentistry, dermatology, general medicine, bioanalysis, nutrition, orthopedics, physiotherapy and social work.

Table 21

**Children living in the CONANI Hogares Ángeles**

	2007	2008	2009	2010	2011
	146	146	142	102	85

Source: Institutional reports.

Table 22

**List of non-governmental organizations registered with CONANI that provide care for children and adolescents with disabilities**

	Name	Number of children and adolescents
1	Fundación Proyecto de Ayuda al Niño Pan	25
2	Tabernáculo De Restauración Y Alimentación	34
3	Fundación Care Para La Protección Menores Impedidos Físicos	307
4	Olimpiadas Especiales	
5	Asociación Dominicana de Síndrome de Down	22
6	Fundación Giovanni Frasson (Hogar Padre Daniel)	11
7	Albergue Nacional Para Impedidos Físicos	
8	Centro de Enseñanza Especializada (CEDENE)	64
9	Fundación Dominicana del Autismo	66
10	Centro Pedagógico de La Luz	
11	Cuidado Infantil Internacional	360
12	Hogares Luteranos El Buen Pastor	
13	Casa Nazaret	14
14	Semillita de Mostaza	20
15	Asociación Maeña De Padres De Niños Especiales	40
16	Asociación Pro-Niños Discapacitados, Inc. (APRONIDI)	150
17	Escuela de Educación Especial Darío Gómez	39
<b>Total children and adolescents</b>		<b>1 152</b>

Source: Department of NGO Registration and Supervision.

The National Council for Children and Adolescents (CONANI) is responsible for advising, training and giving technical and economic support to NGOs, where necessary, in order to ensure the implementation of measures of protection and care aimed at children and adolescents.

The oversight team remains active, numbering 13 members, who perform their duties throughout the national territory, in respect of specific areas and NGOs. They conduct monthly visits to organizations which result in administrative and logistic improvements.

The Ministry of Health's statistics on mental health only cover the number of consultations offered to the population in the various health centres.

Efforts are being made to change this situation in order for there to be a real mental health registration and monitoring system. A workshop has been held for this purpose in coordination with the Statistics Directorate of the Ministry with the collaboration of the Pan American Health Organization.

### 6.3. The rates of infant and under-five child mortality

Table 23

#### Rates of infant and under-five child mortality

2007		2008		2009		2010	
Number	Gross rate						
3 066	13.9	3 421	15.5	3 535	16.1	3 053	14.0

### 6.4. The proportion of children with low birth weight

Table 24

#### Low birth weight

2008		2009		2010	
Number	Rate	Number	Rate	Number	Rate
10 419		10 113		11 822	

*Cases per hundred children under the age of 5, Basic health indicators 2008, cases per thousand live births, Basic health indicators 2009, cases per 1000 children under the age of 1 year, Basic health indicators 2010.*

### 6.5. The proportion of children with moderate and severe underweight, wasting and stunting

- Proportion of children underweight for their age: 4 % (global malnutrition);
- Acute malnutrition or weight in relation to size: 2%;
- Some 10 % of children under the age of 5 suffer from chronic malnutrition, 2 % with severe stunting.

*Source: Endesa 2007. DIGEMIA.*

### 6.6. The percentage of households without access to hygienic sanitation facilities and access to safe drinking water

Table 25

#### Households without access to hygienic sanitation facilities and safe drinking water

Indicator	Percentage
Percentage of households with sanitary facilities	95.7%
Percentage of households without sanitary facilities	4.1%

*Source: ONE/ENHOGAR. See tables in attached Excel document VI.31.c.*

Table 26  
**Dwellings without sanitary facilities**

<i>Indicator</i>	<i>Percentage</i>
Percentage of dwellings without enhanced sanitary facilities (privy or latrine)	8.0
Percentage of dwellings without enhanced sanitary facilities (privy or latrine)	5.0
Percentage of dwellings without enhanced sanitary facilities (privy or latrine)	4.1
Percentage of dwellings without enhanced sanitary facilities (privy or latrine)	3.5
Percentage of dwellings without running water inside or outside the house	39.0
Percentage of dwellings without running water inside or outside the house	29.8
Percentage of dwellings without running water inside or outside the house	21.3
Percentage of dwellings without running water inside or outside the house	26.3
Percentage of dwellings without running water inside or outside the house	26.8

*Source:* ONE – National survey on household income and expenditure/2007, National Population and Housing Census/2002.

\* *Note:* Percentage of households using enhanced sanitary facilities (i.e. privy or private sliding drawer latrine)

*Comment:* See Excel sheet VI.17.d.

#### 6.8. The percentage of one-year-olds fully immunized for tuberculosis, diphtheria, pertussis, tetanus, polio and measles

Table 27  
**Immunization**

<i>Vaccine</i>	<i>Percentage</i>
BCG (tuberculosis) coverage for infants under the age of 1 year	95.6
Pentavalente coverage	77.2
Coverage against measles	89.1
Coverage against polio	84.6.

#### 6.9. The rates of maternal mortality, including its main causes

Table 28  
**Maternal mortality**

2007		2008		2009		2010	
<i>Number</i>	<i>Rate<sup>a</sup></i>	<i>Number</i>	<i>Rate</i>	<i>Number</i>	<i>Rate</i>	<i>Number</i>	<i>Rate</i>
160	72.8	190	86.3	215	98.0	200	91.6

*Source:* ENO trend cases and rates 2007/2010.

*Cause:* Gravidic toxemia, haemorrhaging, miscarriages, sepsis. Directorate-General of Epidemiology.

#### 6.10. The proportion of pregnant women who have access to, and benefit from, prenatal and postnatal health care

The proportion of pregnant women who have access to, and benefit from, prenatal and postnatal healthcare.

Table 29  
**Pregnant women**

<i>Indicator</i>	<i>Percentage</i>
Percentage of women who received prenatal care from a doctor <sup>1</sup>	31.5
Percentage of women who received prenatal care from a gynecologist/obstetrician	67.3
Percentage of women who had a postnatal checkup less than four hours after delivery	49.0
Percentage of women who had a postnatal checkup between four and 23 hours after delivery	16.8
Percentage of women who had a postnatal checkup between one and two days after delivery	16.3
Percentage of women who had a postnatal checkup between three and 41 days after delivery	6.6
Percentage of women who received postnatal care from a doctor <sup>1</sup>	31.1
Percentage of women who received postnatal care from a gynecologist/obstetrician <sup>2</sup>	47.9

*Source:* ONE/ENDESA/ /2007.

<sup>1</sup> i.e. a general practitioner or specialized doctor, except a gynecologist/obstetrician.

<sup>2</sup> Including doctors, gynecologists/obstetricians and nurses.

#### 6.11. The proportion of children born in hospitals

Table 30  
**Children born in hospitals**

<i>Indicator</i>	<i>Percentage</i>
Percentage of children born in a health-care centre (public or private)	95.5%
Percentage of births in public health establishments	76.4%

*Source:* ONE/ENDESA/Civil Registry/2007. See Excel sheet VI.17.h.

Table 31  
**The proportion of personnel trained in hospital care**

<i>Indicator</i>	<i>Percentage</i>
Percentage of deliveries by doctors <sup>1</sup>	65.1%
Percentage of deliveries by gynecologists/obstetricians	32.0%
Percentage of deliveries by nurses	0.7%
Percentage of deliveries by qualified health personnel <sup>2</sup>	97.8%

*Source:* ONE/ENDESA/2007.

<sup>1</sup> i.e. a general practitioner or specialized doctor, except a gynecologist/obstetrician.

<sup>2</sup> Including doctors, gynecologists/obstetricians and nurses.

*Note:* The indicator used has been substituted for the one shown in the guidelines in the absence of information from ENDESA 2007 concerning the proportion of personnel. However, the percentage of deliveries by qualified health personnel gives an indication of the level of training of the personnel.

#### 6.12. The proportion of mothers who practise exclusive breast-feeding and for how long

States parties should provide data, disaggregated as described in paragraph 1 above, on:

**6.13. The number/percentage of children infected and affected by HIV/AIDS**Table 32  
**HIV/AIDS**

2007		2008		2009		2010	
Number	Rate	Number	Rate	Number	Rate	Number	Rate
1 198		1 010		1 085		1 147	

Source: DIGECITSS (Directorate-General for the Control of Sexually Transmitted Infections and AIDS).

**6.14. The number/percentage of those children living with relatives, in foster care, in institutions, or on the streets**

Table 33

Year	Casa rosada	Remar
2007	45 (7.6%) ARV	15(2.5%) ARV
	5 (12.1%) SEG	16 (2.6%) SEG.
2008	46(5.8%) ARV	16(2.0%) ARV
	2(0.8%) SEG	8(3.5%) SEG.
2009	44(5.0%) ARV	22(2.5%) ARV
	2(0.9%) SEG	4(1.8%) SEG.
2010	21(3.2%) ARV	18(1.8%) ARV
		4(2.0%) SEG.

**6.15. The number of child-headed households as a result of HIV/AIDS**

Data should be provided with regard to adolescent health on:

**6.16. The number of adolescents affected by early pregnancy, sexually transmitted infections, mental health problems, drug and alcohol abuse**

Table 34

**Early pregnancy**

Adolescents with early pregnancy				20%
With sexually transmitted infections				0.3%
Alcohol use	Fem	7.4%	Masc	82%
Other drugs	Fem	1.3%	Masc	3%

Source: National Adolescents Programme.

Table 35  
**Mental health problems and drug and alcohol abuse**

Number of participants	397
Male	248
Female	149
Age	7–21 years
Area	Urban
Ethnic group	Mestizo and black (Dominicans and Haitians)
Religion	Catholic and Protestant

Disability: mental retardation, speech and psychomotor disorders. Other conditions: behavioural disorder, child abuse, early childhood and adolescence disorder, school dropout, incest, adolescent pregnancy, substance use and abuse (alcohol and drugs) and child and adolescent labour exploitation.

**6.17. The number of programmes and services aimed at the prevention and treatment of adolescent health concerns**

There are currently 106 comprehensive adolescent health-care units (Source: National Adolescents Programme).

**VII. Education, leisure and cultural activities**

**7.1. Literacy rates of children and adults (male and female children, adolescents and adults)**

Table 36  
**Literacy rates**

<i>Indicator</i>	<i>Percentage</i>	
	<i>2007/08</i>	<i>2008/09</i>
Youth literacy rate (15 to 24 years). Total	97.2	96.4
Youth literacy rate (15 to 24 years). Male	98.0	97.0
Youth literacy rate (15 to 24 years). Female	96.5	95.7
Youth literacy rate (15 to 24 years). Urban	95.4	93.7
Youth literacy rate (15 to 24 years). Rural	98.2	97.6
Adult literacy rate (15 years and above). Total	89.8	88.8
Adult literacy rate (15 years and above). Male	89.7	88.8
Adult literacy rate (15 years and above). Female	89.9	88.8
Adult literacy rate (15 years and above). Urban	92.8	92.3
Adult literacy rate (15 years and above). Rural	84.0	81.2

*Source:* System of Social Indicators of the Dominican Republic (SISDOM Version 2.1).

Economic and Social Analysis Advisory Unit (UAAES), Ministry of the Economy, Planning and Development (MEPyD). See Excel sheet VII.20.a 2009/10: 38,554 persons receiving literacy training and 3,207 facilitators and persons trained.

## 7.2. Enrolment and attendance rates for primary and secondary schools and vocational training centres

Table 37

### Attendance rates for primary and secondary schools

<i>Indicator</i>	<i>Percentage</i>		
	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10</i>
Net enrolment rate – initial level	30.90%	34.70%	35.8%
Net enrolment rate – primary education (Note: basic and primary are the same; percentages shown below)	84.40%	93.20%	
Net enrolment rate – basic education	84.30%	89.20%	
Net enrolment rate – secondary education	46.90%	50.90%	2009/10
Attendance rate at middle level by age: 2009/10			14 years: 87.4% 15 years: 82.0% 16 years: 76.1% 17 years: 66.1%
School attendance rate of 3- to-5-year-olds	37.50%	48.80%	Attendance rate for 2009/10
Attendance rate			From 3 to 5 years: Number of children: 636,009
School attendance rate of 5-year-olds.	68.30%	74.90%	Number of 5-year-olds: 212,066
School attendance rate of 6-to-13-year-olds	86.80%	93.70%	6 years: 80.2% 7 years: 89.3% 8 years: 92.5% 9 years: 99.5% 10 years: 95.5% 11 years: 93.6% 12 years: 89.4% 13 years: 75.6%
School attendance rate of 14-to-17-year-olds	77.90%	73.60%	14 years: 87.4% 15 years: 82.0% 16 years: 76.1% 17 years: 66.1%
School attendance rate of 6-to-11-year-olds	85.70%	95.00%	6 years: 80.2% 7 years: 89.3% 8 years: 92.5% 9 years: 99.5% 10 years: 95.5% 11 years: 93.6%

<i>Indicator</i>	<i>Percentage</i>		
	<i>2007/08</i>	<i>2008/09</i>	<i>2009/10</i>
School attendance rate of 6-to-17-year-olds	83.90%	87.10%	6 years: 80.2% 7 years: 89.3% 8 years: 92.5% 9 years: 99.5% 10 years: 95.5% 11 years: 93.6% 12 years: 89.4% 13 years: 75.614 14 years: 87.4% 15 years: 82.0% 16 years: 76.1% 17 years: 66.1% 14 years: 87.4% 15 years: 82.0% 16 years: 76.1% 17 years: 66.1%

*Source:* Ministry of Education, Department of Statistics and Indicators. 2010 reports of Ministry of Education, 2009/10 reports of National Statistics Office, ONE, Population estimates and projections 1950–2050, as revised at 2007 See Excel sheet VII.20.b.

### 7.3. Retention rates and percentage of dropout for primary and secondary schools and vocational training centres

Table 38

#### Retention rate and percentage of dropout for primary and secondary schools

<i>Indicator</i>	<i>Percentage</i>		<i>Comments</i>
	<i>2007/08</i>	<i>2008/09</i>	
Dropout	6.1%	3.1%	See Excel sheet VII.20.c
Pass for next grade	88.3%	89.9%	See Excel sheet VII.20.c
Rejection for next grade	5.6%	7.0%	See Excel sheet VII.20.c
Gross completion rate for middle level	53.4%	65.6%	See Excel sheet VII.20.c

*Source:* Ministry of Education, Department of Statistics and Indicators.

### 7.4. The average teacher-pupil ratio, with an indication of any significant regional or rural/urban disparities

Table 39

#### Pupil/teacher ratio by educational level, 2009/10

<i>Level</i>	<i>Number of pupils</i>	<i>Teachers</i>	<i>Ratio</i>
Initial (preschool)	214,681	10,260	20.9
Basic (primary)	1,672,684	63,491	26.3
Middle general (secondary)	511,643	16,166	31.6
Middle technical and vocational	38,002	4,042	9.4

*Source:* Ministry of Education, Department of Statistics and Indicators.

**7.5. The percentage of children in the non-formal education system**

Information forthcoming from CONANI.

**7.6. The percentage of children who attend preschool education facilities**

The Ministry of Education is currently working in conjunction with CONANI on rules of discipline for the prevention of violence in public and private facilities nationwide. These rules will be designed for initial, basic and middle level education specialists and all guidance counsellors in the education system with a view to their implementation in all educational facilities nationwide.

**VIII. Special protection measures****8.1. The number of internally displaced, asylum-seeking, unaccompanied and refugee children**

Protocol on the protection of vulnerable Haitian children and adolescents present in the Dominican Republic following the earthquake in Haiti.

Table 40

**Unaccompanied displaced children**

<i>Gender</i>	<i>Total</i>	<i>45 days to</i>	<i>1 to &lt; 2</i>	<i>2 to &lt; 3</i>	<i>3 to &lt; 4</i>	<i>4 to &lt; 5</i>	<i>5 to &lt; 6</i>	<i>6 to &lt; 7</i>	<i>7 to &lt; 12</i>	<i>13 to &lt; 18</i>
		<i>1 year</i>	<i>Years</i>	<i>Years</i>						
Male	225	7	8	12	14	8	11	16	86	63
Female	182	17	5	4	9	12	6	16	63	50
<b>Total</b>	<b>407</b>	<b>24</b>	<b>13</b>	<b>16</b>	<b>23</b>	<b>20</b>	<b>17</b>	<b>32</b>	<b>149</b>	<b>103</b>

*Source:* Information System Department CONANIInfo.

Table 41

**The number of vulnerable children by level of vulnerability**

<i>Level of vulnerability</i>	<i>Children and adolescents</i>
Accompanied	261
Separated	40
Unaccompanied	106
<b>Total</b>	<b>407</b>

*Source:* Information System Department CONANIInfo.

**8.2. The number and percentage of such children attending school with health coverage**

As in the past five years, no juvenile courts have been established, there has been no increase in budget allocations to the judiciary for four years.

Table 42

**Budget allocations**

<i>Year</i>	<i>Judiciary budget</i>		<i>% approved</i>
	<i>Requested</i>	<i>Approved</i>	
2007	4 869 295 985	3 162 615 367	64.95
2008	5 665 573 939	3 546 363 317	62.59
2009	5 908 898 642	3 552 763 317	60.13
2010	5 911 745 819	3 362 204 138	56.87
2011	6 003 058 168	3 362 204 138	56.01

*Source:* Budget Division of the Judiciary.

**8.3. The number of persons under 18 who have been arrested by the police due to an alleged conflict with the law**

Table 43

**Persons under 18 who have been arrested by the police**

<i>Indicator</i>	<i>Number</i>
Number of minors arrested by the Specialized Judicial Police Department	2 426
Number of minors arrested by the Specialized Judicial Police Department	2 229
Number of minors arrested by the Specialized Judicial Police Department	2 405

*Source:* ONE/Specialized Judicial Police Department for Children and Adolescents, P. N./2009. See Excel sheet VIII.23.a.

**8.4. The percentage of cases where legal or other assistance has been provided****8.5. The number and percentage of persons under 18 who have been found guilty of an offence by a court and have received suspended sentences or have received punishment other than deprivation of liberty<sup>109</sup>****Anexo: 00/The judiciary**

Disaggregated data on the number and percentage of persons under 18 who have been found guilty of an offence by court and have received suspended sentences or have received punishment other than deprivation of liberty.

Period: 2005/2009.

*Source:* DINAF/2011.

<sup>109</sup> As part of the advances made in the Dominican justice system and in pursuance of the Committee's recommendations, improvements have been introduced into the disaggregation of information. Having regard, however, to the number of pages in this report, the tables for the years 2006 to 2010 are contained in annexes.

### 8.6. The number of persons under 18 who have participated in probation programmes

Table 44

#### Persons under 18 who have participated in special rehabilitation programmes 2006–2010

	2006	2007	2008	2009	2010	Total						
<b>Total on probation (assisted liberty)</b>	<b>38</b>	<b>103</b>	<b>167</b>	<b>101</b>	<b>109</b>	<b>442</b>						
	<i>Gender</i>										<i>Total</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
Adolescents participating in programme	7	2	22	4	23	3	21	3	15	3	88	15
<b>Total</b>	<b>9</b>		<b>26</b>		<b>26</b>		<b>24</b>		<b>18</b>		<b>103</b>	

*Source:* Alternative Sanctions Coordination Unit of the National Directorate for the Comprehensive Care of Adolescents in Conflict with the Criminal Law.

*Note:* In the Dominican judicial system, probation is known as supervised or assisted liberty. The data shown are based on final judgements handed down by the central authority, Distrito Nacional, Santo Domingo Province (with the exception of three cases in Santiago in 2006 and four in La Vega in 2007), which were enforced. As the different judicial departments in the country do not possess the minimum logistic and technical means required to execute those judgements, even when there has been follow-up, this has suffered from a shortage of funds.

### 8.7. The percentage of recidivism cases.

Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (article 37, a, b, c, d)

### 8.8. The number of persons under 18 held in police stations or pretrial detention after having been accused of committing a crime reported to the police, and the average length of their detention:

In accordance with Act No. 136-03, persons accused of a crime must be brought before a judge within 24 hours. As, however, the Constitution allows a period of 48 hours, this is the time frame applied in some cases, without undue delay. The average time is 36 hours. An adolescent held in a police station must be brought within six hours before the Public Prosecution Service for children and adolescents. Officials now understand that, when a person claims to be a minor, he or she must be presumed to be so.

Table 45

#### Persons under 18 held in police stations or pretrial detention

<i>Offence</i>	2005		2006		2007		2008		2009	
	<i>Held</i>	<i>Tried</i>								
Domestic violence involving children or adolescents	17	10	38	13	51	41	49	50	34	34
Sexual violence against children or adolescents	148	93	305	167	325	250	308	307	279	288
Commercial exploitation of minors	0	0	0	0	0	0	0	0	10	0
Sexual exploitation of minors	0	0	0	0	0	0	0	0	3	5

<i>Offence</i>	2005		2006		2007		2008		2009	
	<i>Held</i>	<i>Tried</i>								
Disclosure of images	0	0	0	0	0	0	0	0	0	5
Abduction of minors	22	21	30	21	41	35	10	42	36	29
Other	14	9	23	9	11	12	21	18	42	54
<b>Total</b>	<b>201</b>	<b>529</b>	<b>606</b>	<b>638</b>	<b>766</b>	<b>726</b>	<b>805</b>	<b>821</b>	<b>819</b>	<b>415</b>

*Source:* Attorney-General's Office.

## 8.9 The number of persons under 18 in these institutions and the average length of stay

Table 46

### Persons under 18 in institutions

<i>Year</i>	2006	2007	2008	2009	2010 up to 9/5
	403	323	223	236	545
<b>Total period</b>					<b>1969</b>

*Source:* Attorney-General's Office.

Average length of stay three years in cases of punishment and up to six months in cases of precautionary measures.

\* *Note:* The number shown includes both pretrial and post-trial detention.

Table 47

### Number of persons entering and leaving Comprehensive Care Centres

<i>Centres</i>	<i>Incoming</i>	<i>Outgoing</i>	<i>Total adolescents by centre</i>	<i>Percentage</i>
Caipacl Najayo	43	34	169	40.5%
Refor	3	5	74	17.7%
Cermenor	12	31	35	8.4%
Niñas	2	2	18	4.3%
La Vega	17	20	76	18.2%
Caipacl sfm	0	0	8	1.9%
Higüey detention centre	0	0	37	8.9
<b>Month total</b>	<b>80</b>	<b>92</b>	<b>417</b>	<b>100.00%</b>

*Source:* Attorney-General's Office.

Table 48

### Statistics on persons held in pretrial and post-trial detention in Comprehensive Care Centres and Institutes for adolescents in conflict with the law/2009

<i>Centres</i>	<i>Pretrial</i>	<i>Convicted</i>	<i>Total</i>
Evaluation and Referral Centre for Minors (Cermenor)	32	6	<b>38</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, Najayo, S. C.	111	104	<b>215</b>
Instituto de Minas, Santo Domingo	11	18	<b>29</b>

<i>Centres</i>	<i>Pretrial</i>	<i>Convicted</i>	<i>Total</i>
Máximo Antonio Álvarez Juvenile Preparatory Institute	25	53	<b>78</b>
Juvenile Preparatory Institute (Refor)	14	43	<b>57</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, San Fco. De Macoris	4	1	<b>5</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, Santiago	22	11	<b>33</b>
Higüey Juvenile Detention Centre	10	-	<b>10</b>
San Pedro de Macoris Detention Centre	4	-	<b>4</b>
La Romana Detention Centre	2	-	<b>2</b>
Barahona Detention Centre	1	-	<b>1</b>
<b>Total</b>	<b>236</b>	<b>236</b>	<b>472</b>

*Source:* Attorney-General's Office.

Table 49

**Statistics on persons held in pretrial and post-trial detention in Comprehensive Care Centres and Institutes for adolescents in conflict with the law /2010**

<i>Centres</i>	<i>Pretrial</i>	<i>Convicted</i>	<i>Total</i>
Evaluation and Referral Centre for Minors (Cermenor)	27	7	<b>34</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, Najayo, S. C.	151	88	<b>239</b>
Instituto de Minas, Santo Domingo	6	15	<b>21</b>
Máximo Antonio Álvarez Juvenile Preparatory Institute	17	56	<b>73</b>
Juvenilke Preparatory Institute (Refor)	9	55	<b>64</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, San Fco. De Macoris	8	-	<b>8</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, Santiago	31	18	<b>49</b>
Higüey Juvenile Detention Centre	7	-	<b>7</b>
San Pedro de Macoris Detention Centre	9	-	<b>9</b>
La Romana Detention Centre	10	-	<b>10</b>
Barahona Detention Centre	3	-	<b>3</b>
<b>Totals</b>	<b>278</b>	<b>239</b>	<b>517</b>

*Source:* Attorney-General's Office.

Table 50

**Statistics on persons held in pretrial and post-trial detention in Comprehensive Care Centres and Institutes for adolescents in conflict with the law /2011**

<i>Centres</i>	<i>Pretrial</i>	<i>Convicted</i>	<i>Total</i>
Evaluation and Referral Centre for Minors (Cermenor)	34	1	<b>35</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, Najayo, S. C.	125	110	<b>235</b>
Instituto de Minas, Santo Domingo	11	16	<b>27</b>

<i>Centres</i>	<i>Pretrial</i>	<i>Convicted</i>	<i>Total</i>
Máximo Antonio Álvarez Juvenile Preparatory Institute	25	59	<b>84</b>
Juvenile Preparatory Institute (Refor)	12	59	<b>71</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, San Fco. de Macoris	8	1	<b>9</b>
Comprehensive Care Centre for Adolescents in Conflict with the Law, Santiago	19	31	<b>50</b>
Higüey Juvenile Detention Centre	21	2	<b>23</b>
San Pedro de Macoris Detention Centre	13	-	<b>13</b>
La Romana Detention Centre	4	-	<b>4</b>
Barahona Detention Centre	7	-	<b>7</b>
Villa Juana Detention Centre	8	-	<b>8</b>
<b>Total</b>	<b>288</b>	<b>282</b>	<b>570</b>

*Source:* Attorney-General's Office

**8.11 The number and percentage of persons under 18 who have been found guilty of an offence by a court and have been sentenced to detention and the average length of their detention**

**Annex: 00/The judiciary**

Disaggregated data on the number and percentage of persons under 18 who have been found guilty of an offence by a court and have been sentenced to detention and the average length of their detention.

Period: 2005/2009.

*Source:* DINAF/2011.

**Annex: 02/MT**

Data on the number and percentage of children below the minimum legal age of employment who are involved in child labour as defined by the International Labour Organization Conventions No. 138 (1973) concerning Minimum Age for Admission to Employment and No. 182 (1999) on the Worst Forms of Child Labour, disaggregated by type of employment.

Period: 2005/2009.

*Source:* Ministry of Labour/2011.

**8.17 The number of children involved in sexual exploitation, including prostitution, pornography and trafficking**

Table 51

**Children involved in sexual exploitation in the CONANI Hogares Ángeles**

<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
13	47	4	7	

*Source:* CONANI Department of Statistics (payroll reports and administrative records of the *Hogares de Paso*).

**8.20 Number and percentage of those that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed**

The statistics are defective in this regard, but there have been two cases that resulted in criminal sanctions on grounds of commercial sexual exploitation:

Table 52

**Number and percentage of those that have resulted in sanctions**

<i>Number of sentence</i>	<i>Sanction</i>	<i>Locality</i>
Judgement No. 05-2006 Liquidation Court, Santo Domingo Province	15 years for commercial sexual exploitation	Boca Chica
Judgement No. 126-2005, Liquidation Court, Santo Domingo Province	15 years for commercial sexual exploitation	Boca Chica