



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/DOM/2
16 July 2007

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second periodic reports of States parties due in 1998

DOMINICAN REPUBLIC*

[16 February 2007]

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

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Introduction

1. In order to comply with and give effect to the Convention on the Rights of the Child, which was ratified by the Dominican Republic in 1991, the State submitted its initial report in 1998. This was followed by a supplementary report in 2001, in response to questions and suggestions formulated by the Committee on the Rights of the Child in 2000. These reports were examined by the Committee at its 693rd and 694th meetings held on 24 and 26 January 2001.

2. The present document contains the second periodic report of the Dominican Republic, which was prepared in accordance with article 44 of the Convention, and in which the State describes the advances made in human rights for children and adolescents in the five-year period from 2001 to 2006.

3. The second periodic report was prepared in conformity with the new 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 (HRI/GEN/2/Rev.3/Add.1), which were adopted by the Committee at its thirty-ninth session on 3 June 2005, and which replace those adopted by the Committee on 11 October 1996 (CRC/C/58).

4. The Dominican Republic has been present at the most important events organized by the international community over the last five years on issues relating to the progress and development of nations in recent decades. The summits, conferences and meetings that have taken place have served as important settings for the coordination of declarations, agreements and commitments among the governments in the region. The Dominican Republic is signatory to all of these, including agreements and treaties relating to the welfare of children and adolescents.

Preparation of the report

5. Circulation of the guidelines for the preparation of reports. The process of preparing the present report included three phases: (a) circulation of the guidelines and list of questions to the key institutions that comprise the system of protection for children and adolescents (governmental and non-governmental); (b) return of information relating to the report from such sectors as health, education, justice, culture, labour, women's issues, drinking water and sanitation; (c) preparation of the first draft of the report. With support from the Ministry of Foreign Affairs, the National Council for Children and Adolescents (CONANI) coordinated the collection of data and preparation of the first draft of the report.

6. The process of analysing the data to be included in the first draft using a form to compile institutional data, required four working days with experts from each of the participating institutions. A team of experts then processed the replies to all the concerns raised in the annex to the general guidelines for the preparation of reports.

7. It was considered important to include information from the most recent studies relating directly to issues concerning childhood, adolescence, development and the family in the Dominican Republic. A review was therefore undertaken of the main plans, programmes, memoranda and actions of the various governmental institutions, cooperation agencies and non-governmental organizations (NGOs), as well as of data from the 2002 National Population

and Health Census (ENDESA-2002) and the National Human Development Report 2005 for the Dominican Republic entitled “Towards an inclusive and renewed global insertion”, published by the United Nations Development Programme (UNDP) Office in the Dominican Republic.

8. The last step in the preparation of the country’s periodic report consisted in circulating the preliminary report to the principal institutions making-up the protection system for approval. This phase of the process allowed new data to be incorporated and existing data to be updated. The end result of the process was the final version of the second periodic report.

I. COUNTRY CONTEXT

A. Sociodemographic indicators

9. According to the latest national population and housing census carried out in 2002, the Dominican Republic has a total population of 8,562,541 inhabitants, which may be broken down as follows:

Total population according to sex	
Total female	4 297 326
Total male	4 265 215
Population aged under 19	
Total male	1 891 700
Total female	1 851 402

Births registered by year in the Dominican Republic:

2000	2001	2002*	2003*	2004*
196 989	161 733	147 027	142 051	112 630

Source: National Statistics Office (ONE).

* Preliminary figures recorded by the Civil Registry Offices and supplied by the National Statistics Office (ONE).

B. Poverty, food security and employment

1. Poverty

10. According to a 2001 UNDP report, poverty is essentially reflected in the deprivation, powerlessness and vulnerability that affects certain segments of the population. In the assessment of human development, poverty encompasses the notions of basic needs and the poverty line, but may be extended to that of human capacity.

11. According to the definition provided by the National Planning Office (ONAPLAN), 28 per cent of the Dominican population was living in extreme poverty in 2000, a situation that had worsened by 2003, by which time the figure had risen to 33 per cent. Similarly,

while the percentage of the population living below the poverty line in 2000 was 54 per cent, by 2003 the figure had risen to 62 per cent, affecting mainly women, children and adolescents, as well as people living in rural areas and marginal urban neighbourhoods.

12. According to the internationally agreed definition of extreme poverty, i.e. less than US\$ 1 in purchasing power parity per person per day, 5 per cent of the Dominican population, or 436,105 persons, were living below the extreme poverty line in the year 2000. By 2002, that figure had risen to 5.5 per cent, or 498,098 persons. According to the international definition of poverty, i.e. US\$ 2 purchasing power parity per person per day, 12.6 per cent of the population, or 904,274 persons, were living below the poverty line in 2000. Within two years that percentage had risen to 12.96 per cent, or 1,361,603 persons.

13. National and international indicators alike show an increase in the number of persons living below both the poverty and the extreme poverty lines in the period 2000-2003. It should be noted that these methods of measuring poverty on the basis of income do not take into account factors relating to gender or children.

14. The incidence of poverty in the Dominican Republic varies widely. Based on a territorial assessment, two means of differentiation may be identified. In absolute terms (percentage of the total population) and according to data for 2002, households and persons affected by poverty are chiefly concentrated in the provinces of Santo Domingo (125,771), Santiago (64,601), San Cristóbal (59,583) and the National District (48,938).

15. In relative terms (percentage of the population in each province), the situation varies. In six provinces, poverty affects more than 70 per cent of households: Elías Piña (82.4 per cent), Bahoruco (75.6 per cent), Monte Plata (73.3 per cent), San Juan (70.4 per cent), Independencia (70.2 per cent) and El Seibo (70.2 per cent). Extreme poverty, in relative terms, affects more than 30 per cent of households in two of the provinces: Elías Piñas (47.6 per cent) and Bahoruco (31.6 per cent). Another eight provinces show a rate of more than 20 per cent: Azua, Barahona, Independencia, Pedernales, El Seibo, San Juan, Monte Plata and San José de Ocoa.

16. With regard to rural versus urban poverty, in the area of the National District, similar percentages of poor households are found in rural and urban areas (28.2 per cent compared with 23.7 per cent, respectively). This is due to the marginalization prevailing in the peripheral slums of the largest towns. Conversely, in the north-central region (with rates as high as 47.4 per cent in rural areas and 24.5 per cent in urban areas), the north-eastern region (with rates of 64.8 per cent in rural and 37.5 per cent in urban areas) and the eastern region (with rates of 74.6 per cent in rural and 41.7 per cent in urban areas), differences between rural and urban areas are very marked with the percentage of poor households in rural areas almost double that of urban areas.

17. The Dominican Republic is among the countries with the highest levels of inequality in terms of income distribution. In 2002, even before the economic crisis, the richest 20 per cent of the population accounted for 53 per cent of gross income, while the poorest 40 per cent received only 14 per cent (*The State of the World's Children*, United Nations Children's Fund [UNICEF], 2005).

18. The major challenges that have been identified are: (a) ensuring a more equitable distribution of income, both geographically and socially, in order to narrow the gap between the highest and lowest income groups, by taking a targeted approach to dealing with the problems of the poorest provinces and the large rundown settlements situated on the outskirts of towns and around the sugar mills (*bateyes*), and by paying particular attention to vulnerable groups and to reducing the gender gap; (b) effectively implementing a national poverty reduction strategy that is in line with the Millennium Development Goals and provides access to employment opportunities and services such as social protection and social assistance; (c) maintaining macroeconomic stability and growth.

2. Food security

19. Food and nutritional security is determined on the basis of access, availability and consumption of food. Any increase in the percentage of the population suffering from undernourishment aggravates extreme poverty by reducing the ability of individuals to obtain the social services and economic goods needed for human development. The long-term effects of chronic malnutrition at an early age may cause a deterioration in the physiological development of the brain, intelligence quotient and school performance. Damage caused by malnutrition in childhood is potentially irreversible.

20. Food insecurity in the Dominican Republic is related to the problem of food supply and the ability to meet domestic demand. The annual growth rate of the agricultural sector in the Dominican Republic (1.2 per cent) is lower than the average for the region (2.7 per cent). Ratios of over 200 arable hectares per tractor are an indicator of the low level of technological progress in agriculture and the under-utilization of arable lands in the Dominican Republic (*Social Panorama of Latin America 2002-2003*, Economic Commission for Latin America and the Caribbean, ECLAC).

21. According to an analysis of household expenditure on food by the World Food Programme (WFP) in its study on Vulnerability Analysis and Mapping (VAM) for the Dominican Republic (carried out by WFP, the Inter-American Development Bank (IADB) and the Technical Secretariat of the Presidency in 2003), households affected by chronic malnutrition devote 82 per cent of their income to food purchases. Of these households, 39 per cent are headed by women; 27 per cent have a third-grade level of education; and 20 per cent comprise seven or more members.

22. The end supply of food in 2000-2002 was 2,320 kilocalories per person per day, according to data supplied by the United Nations Food and Agriculture Organization (FAO) (*The State of Food Insecurity in the World 2004*). When the food supply falls below 2,200 kilocalories per person per day, undernourishment tends to become widespread; conversely, if the level rises to between 2,700 and 3,000 kilocalories per person per day, food is considered to be plentiful (*Social Panorama of Latin America 2002-2003*, Economic Commission for Latin America and the Caribbean, ECLAC).

23. The 2002 National Population and Health Census (ENDESA) registered an increase in chronic malnutrition (low height for age) and a decrease in severe malnutrition (low weight for age) for boys and girls under the age of 5 for the period 1996-2001. The height census for the same period showed that the prevalence of low height for age in first-grade children had

decreased from 19 per cent in 1993 to roughly 8 per cent (Height census, National Research Centre for Mother and Child Health [CENISMI]). The report shows a high degree of variability in the rates found in the different provinces, with figures ranging from 4.4 to 15 per cent (WFP/IADB, 2003).

24. According to FAO data, the percentage of undernourished persons among the overall population is declining, after having risen to 25 per cent during the period 2000-2002. While the trend is positive, however, it will not be enough to meet the objective set by the Millennium Development Goals, inasmuch as it is projected to drop to no lower than 21.7 per cent for the period 2014-2016, which is much higher than the required objective of 13.5 per cent by 2015.

25. The challenges for achieving this objective include: (a) Supporting the introduction of an appropriate national policy to ensure a food supply that meets nutritional requirements as part of a national development plan, particularly in rural areas; (b) Introducing a national food and nutrition plan that includes an early warning system, a food and nutrition monitoring system and local contingency plans; (c) Incorporating into existing social assistance programmes sustained efforts aimed at groups that are most vulnerable to food insecurity in order to provide them with access to an adequate food basket; (d) Gradually decentralizing the planning and administrative management of the programmes, while ensuring the full coordinated participation of civil society; (e) Offsetting the impact of the Free Trade Agreement (FTA) on small- and medium-sized producers by supporting an increase in their productivity; and (f) Improving the management of existing assistance programmes.

3. Employment

26. The chief link between economic growth and human development opportunities is employment. Jobs provide people with an income, which enables them to obtain the goods and services they need for a decent standard of living. Furthermore, they allow people to make a productive contribution to society and to exercise their minds and creativity. Employment leads to a high degree of recognition that enhances dignity and self-esteem, and provides an opportunity to participate in collective activities and to relate to others on a social level.

27. The impact of economic growth on employment in the Dominican economy has decreased, given that, between 1991 and 2003, for every 1 per cent of growth in real gross domestic product (GDP), employment grew by only 0.65 per cent.

28. In 2003, 16 per cent of the economically active population in the Dominican Republic was unemployed. In 2002, the unemployment rate of women was 27 per cent, while that of men stood at 9.5 per cent (data from the Central Bank of the Dominican Republic).

29. Some 53 per cent of working women possess a secondary school or university-level education, while only 43 per cent of men have reached an equivalent educational standard. Despite this, the Central Bank's labour force survey indicates that women's wages, on average, are 30 per cent lower than those of men for the same job, and in some cases, as much as 41 per cent lower, as is the case in the tourism and free zone sectors, which reflects a substantial gender discrepancy.

30. To the traditional employment of women should be added the unpaid work they perform in the home, which remains invisible despite the fact that it is a never-ending job with no fixed hours or remuneration.

31. The active workforce has, on average, reached the end of primary school. According to recent data, 54 per cent of the working population has no more than a fourth-grade primary school education, and the trend is for this standard to decline. This low level of education seriously reduces competitiveness in a globalized world in which other workers have reached much higher levels of education.

32. According to the National Human Development Report 2005 for the Dominican Republic, in 2002 employment in the informal economy accounted for 56.3 per cent of total employment. Some 79 per cent of informal employment is concentrated in four sectors: agriculture and livestock, wholesale and retail trade, other services and transport. Informal employment leads to deterioration in the quality of employment and standard of living of workers owing to the prevalence of insecurity and lower levels of income, which amounts on average to only 76 per cent of formal sector income. Furthermore, informal workers do not enjoy the acquired rights of formal employment.

33. Rural areas demonstrate the highest levels of job insecurity, and their proportion of the total labour force is shrinking, which implies fewer opportunities. The proportion of the population working in rural areas dropped from 40 per cent in 1991 to 28 per cent in 2001, while during the same period in urban areas the proportion rose from 60 to 72 per cent. Female employment in rural areas decreased from 26 to 18 per cent of the total, while in urban areas it increased from 74 to 82 per cent.

34. As regards child labour, according to the Dominican Republic's National Survey of Child Labour, in 2002, some 436,000 children and adolescents between the ages of 5 and 17 were employed, accounting for 18 per cent of all children and adolescents. The rate of employment is higher for boys (27 per cent) than for girls (9 per cent); it tends to increase with age, and is higher in rural areas (20 per cent) than in urban areas (17 per cent).

35. The age group with the highest percentage of workers is the 10-14 age group (44 per cent), followed by the 15-17 age group (35 per cent) and the 5-9 age group (21 per cent). The vast majority (90 per cent) began working before the age of 15. The service sector is the main branch of economic activity, in which 41 per cent of child and adolescent workers are engaged.

36. The major challenges that have been identified include:

(a) Achieving a sustained annual cumulative economic growth rate that is sufficient to lead to a reduction in the unemployment rate, especially that of young people;

(b) Increasing the proportion of women employed in higher-paid jobs, and ensuring equal pay for equal work;

(c) Designing national strategies to reduce the rate of informal employment, in particular by ensuring transparency with regard to the employment of Haitian workers and their contribution to the Dominican economy;

- (d) Designing national strategies to eliminate child labour;
- (e) Raising the educational standard of the labour force and increasing opportunities for technical and vocational training;
- (f) Reducing the rural-urban gap by increasing employment opportunities in rural areas, especially in those with a high emigration rate;
- (g) Ensuring employment stability for managerial staff in the public and private sectors.

C. Education

37. Education has a major impact on capacity-building, since access to quality education opens up many opportunities. Although a good education does not depend entirely on the amount invested in it, the level and structure of public spending on education are clear indicators of the priority attached to development strategies.

38. According to the 2002 National Population and Health Census (ENDESA), the percentage of persons who had not completed primary education decreased by half between 1996 and 2002, from 20 to 10 per cent. Conversely the percentage of persons with a secondary and university-level education rose during that same period from 25 to 30 per cent. Despite this, in that same year, 13 per cent of the population over the age of 15 was illiterate, well above the Latin American average.

39. Significant progress has been made in recent years in terms of expanding coverage, especially as concerns preschool education (34.3 per cent) and primary education (93.9 per cent) (figures for the 2000-2001 school year). The combined primary, secondary and tertiary gross enrolment rate is 77 per cent, although this remains below the Latin American and the Caribbean average (81 per cent).

40. While it is true that thanks to greater coverage the system has become more democratic, in the sense that it implies the inclusion of population sectors that had previously been excluded, what is really important now is improving quality. National test results reflect poor academic performance. According to a Gallup-EDUCA poll concerning the use of time in public schools, 2 hours and 36 minutes are spent on academic work in the morning session, while on the afternoon shift this figure decreases to 2 hours and 14 minutes.

41. The quality of education is closely linked to teacher training. According to the Strategic Plan for the Development of Education in the Dominican Republic, if minimum teaching qualifications are taken as a parameter, 17.8 per cent of teachers do not meet the requirements for performing their job. Only 31.4 per cent of preschool teachers have a bachelor's, postgraduate or master's degree; in primary education, 68.5 per cent have not passed a bachelor's degree; and in secondary education, 58.5 per cent have achieved a bachelor's, postgraduate or master's degree.

42. One factor closely associated with the quality of education is the setting of standards and the evaluation of student performance. In the Dominican education system, few standards have been set and compliance with them is limited. Moreover, the results of national tests show that students do not have a sufficient grasp of the subjects taught.

43. In 2002, public spending on education accounted for 2.9 per cent of GNP, placing the Dominican Republic third from the bottom in terms of educational spending in Latin American and Caribbean countries. In 2005, this expenditure accounted for approximately 2 per cent of GDP, or less than 10 per cent of the total budget. Not only is public spending below international standards, but the vast majority of funds are allocated to current expenses, chiefly wages and salaries.

44. It is also worth noting how little importance is given to secondary education, in view of the fact that nearly 50 per cent of budgetary resources were allocated to primary education, 6-7 per cent to secondary education, and between 12 and 14 per cent to university education.

45. According to the National Human Development Report 2005 for the Dominican Republic, this relatively inadequate amount of expenditure is made worse by inefficient use. The implication is that greater expenditure does not necessarily lead to better results. It may be noted that 50 per cent of children enrolled in first grade do not manage to complete more than four years; some 22 per cent complete the 8-year primary school cycle; while only 10 per cent complete secondary schooling.

46. According to the Strategic Plan for the Development of Education in the Dominican Republic, the results obtained during the period 2000-2001 in the area of primary education showed that 8.5 per cent passed, 6.3 per cent repeated a year and 8.2 per cent dropped out.

47. Teenage pregnancy is among the factors contributing to the dropout rate. The teenage pregnancy rate is extremely high: 19 per cent of all teenage girls in the Dominican Republic have given birth to a child, and some 23 per cent have been pregnant at least once. Girls with a certain level of education are less likely to marry and to start families early, as contrasted with those who do not complete a suitable level of education, which can be a factor in perpetuating poverty. This situation and the dangers of sexually transmitted diseases and HIV/AIDS point to a need to incorporate sex education in school curricula.

48. Owing to these inefficiencies, more public resources are needed to produce educated citizens and qualified workers in the Dominican Republic. According to a World Bank report on public spending in 2004, 28 years of expenditure are required to produce a graduate who has completed 12 years of pre-university studies.

49. The major challenges identified in the area of education fall into three categories:

(a) Resources: Increasing public spending in the sector and improving efficiency in the use of funds;

(b) Access:

(i) Maintaining expanded coverage at the primary level and significantly expanding coverage at the preschool and secondary levels;

(ii) Investing in literacy and adult basic education programmes that are linked to the labour market;

(c) Quality:

- (i) Revising curricula and adapting them to the country's current needs; incorporating the subjects of sex education and civic education;
- (ii) Improving the supervision of schoolteachers and strengthening the capacity of teaching staff;
- (iii) Improving the quality of education by lengthening the school day and reforming teaching methods;
- (iv) Reducing dropout and repetition rates;
- (v) Increasing community participation in monitoring the quality of teaching.

D. Health and social security

50. Health has a direct impact on the economic and social development of nations. In order to meet the priority health problems of the population, the Dominican Republic must shift from a health system based on curative treatment to one based on the promotion, prevention and control of diseases and their causes, which calls for greater investment in primary health care and collective health programmes.

51. Public expenditure on social services has traditionally been low in the Dominican Republic (6.8 per cent of GDP in 2003, Report on Millennium Development Goals, Dominican Republic, 2004). It is the second lowest in the Latin American and Caribbean region, at 31 per cent below the regional average and 41 per cent below the expected value given the level of economic activity per person; this means that greater private expenditure is required to compensate for the low public investment. Public expenditure on health reached 1.9 per cent of GDP in 2002 and dropped to 1.7 per cent in 2003 and 1.2 per cent in 2004, which explains the high level of out-of-pocket expenditure (66 per cent) on health services.

52. Life expectancy at birth for both sexes was estimated at 70 years for the period 2000-2005 and 71 years for the period 2005-2010 (2002 ENDESA census).

53. The infant mortality rate is 31 per 1,000 live births (2002 ENDESA census), 67 per cent of which corresponds to the neonatal group and is directly related to the quality of prenatal and postnatal care. Postnatal deaths are associated with acute respiratory infections, diarrhoea and malnutrition. Some 33.8 per cent of mortality among children aged between 1 and 4 is caused by communicable diseases. Morbidity in children below the age of 5 is caused by respiratory infections and acute diarrhoeic diseases, which continue to be a major public health problem. The social and territorial distribution of infant mortality is closely related to conditions of poverty and highlights the inequalities in living conditions and timely access to quality services. The highest rates are found in provinces in the south of the country and on the outskirts of the capital city and Santiago. A child from regions IV and VI is 1.7 times more likely to die before the age of 5 than a child from region zero. When the mother is illiterate this probability

is 2.6 times greater than for children of mothers with secondary and university education, and 1.9 times greater when the mother has eight years of basic education. The principal causes of death among children of school age (5 to 14 years) are external causes (43.4 per cent) and communicable diseases (17 per cent).

54. Females of childbearing age account for one quarter of the total population of the Dominican Republic. According to the 2002 census, the mortality rate among mothers was 178 per 100,000 births - one of the highest rates in Latin America. Furthermore, 98 per cent of births took place in hospitals, 98.1 per cent of pregnant women had medical supervision, 65 per cent by specialist staff. Some 82 per cent had the first consultation before the sixteenth week of pregnancy, and 93.5 per cent had four or more of prenatal checkups, which reflects a serious problem in the quality of services provided. Some 85 per cent of the total number of deaths investigated (2002) could have been avoided, since the most frequent causes were toxemia, haemorrhage and sepsis.

55. One in four women who dies of causes relating to pregnancy or maternity is an adolescent. The incidence of adolescent pregnancies is also one of the highest in Latin America (23 per cent). The obstetric risk among women aged between 15 and 19 is twice as great compared with women aged between 20 and 34. According to the 2002 census, between 12 and 18 per cent of sexually active women had sexual intercourse for the first time at around the age of 15. The estimated fertility rate in 2002 among adolescents living in urban areas was 104 per 1,000 women; and 145 per 1,000 women for rural areas.

56. Another health problem in this age group is violence (traffic accidents, domestic and sexual violence), which affects around 17 per cent of adolescents aged between 15 and 19 (2002 census), mainly in urban areas.

57. The highest fertility rate is among young adults aged between 20 and 24, with 190 births per 1,000 women. The overall fertility rate for the period 2000 to 2005 was three births per woman: 2.8 in urban areas and 3.3 in rural areas. Some 70.6 per cent of the women of childbearing age surveyed used contraceptives.

58. The most frequent causes of death among adults (15-49 years) were external factors, such as traffic accidents and violence (42.5 per cent) - a rate that is extremely high compared with the developed countries - and communicable diseases (21.6 per cent), owing basically to the increase in mortality caused by AIDS and tuberculosis. The main causes of death among people aged 50 to 64 were vascular diseases (35.9 per cent) and cancer (19.8 per cent) - in particular cervical, uterine and breast cancer among women and prostate cancer among men. The same applies to older adults (60 and over).

59. One of the communicable diseases which imposes the greatest burden on the country is tuberculosis aggravated by HIV. Around 12.2 per cent of people registered as having HIV/AIDS are also infected with tuberculosis, whereas 5.5 per cent of people being treated for tuberculosis are seropositive. In 2003, the National Anti-Tuberculosis Programme recorded an incidence of 57 per 1,000 inhabitants. In 2004, this fell to 54 per 1,000 inhabitants. The treatment of new cases rose from 46 per cent in 2000, to 74.7 per cent in the first half of 2004, as a result of the increase in supervised treatment.

60. From 2000 to 2004, there was a steady rise in the number of cases of malaria, to a maximum of 2,354 cases in 2004. This is explained by the mobility of national and foreign labour in the construction sector within the Dominican Republic, and high rainfall rates virtually all that year, including the tropical storm and hurricane Jeanne.

61. The Dominican Republic has enough hospital beds and health-care facilities. However, there is a major shortage of information, analysis and planning where the workforce is concerned, in addition to the lack of careers in the health service and job security, all of which results in a very high turnover and uneven distribution of health staff, low salaries and moonlighting. These are only some of the factors determining the poor quality of the staff and service available, inefficient management and absence of capacity-building in the sector.

62. As far as equity in the funding of, access to and quality of health services is concerned, according to the 2002 census, 71.8 per cent of users replied that they had been treated in a hospital run by the Ministry of Public Health and Social Welfare (SESPAS) because it cost little or nothing. However, 50.8 per cent of outpatients and 58.8 per cent of inpatients had to bear 100 per cent of the costs. Some 7 per cent of people using the national health service had chosen it because they received good care. As for private health care, one third of users opted for it because they received satisfactory care (34.4 per cent), found well-trained staff (18.6 per cent), and received swift attention (10.7 per cent) and considerate and humane treatment (10.3 per cent). In 2000, public health expenditure rose to RD\$ 7,543.1 million, of which RD\$ 705.8 million (9.4 per cent) went on medicines. Despite the fact that medicines are dispensed or administered to patients in rural health centres and hospitals free of charge, according to the 2002 census, 53.7 per cent of out-of-pocket health expenditure was used to cover the cost of medicines and was therefore the main item of expenditure in all regions of the country. Laboratory tests (11.3 per cent) are the second main item of expenditure, followed by the cost of consultations (9.7 per cent) and diagnostic imaging (8.7 per cent). There are no official data on the real demand for blood units. In 2004, national requirements were met with 71,411 units, of which 3.1 per cent showed positive infection markers.

63. Inadequate budgetary and financial allocations, among other factors, hinder the development and implementation of systems for monitoring and controlling the quality of medicines and pharmaceutical services. The Dominican Republic does not have any legislation establishing criteria to control the prices of medicines and pharmaceutical services or linking such control to the related public funding. The State system for supplying medicines barely meets the requirements of health-care institutions, which is reflected in a short supply of essential medicines in the public sector. The shortage of qualified staff throughout the medicine production and distribution line adversely affects the supply and the quality of products and services. There is currently no official database that provides information on the consumption of medicines and the real composition of the domestic pharmaceutical market.

1. Reform of the health and social security sector

64. Since 1997, with international bank funding, the Dominican Republic has been stepping up efforts to reform the sector. A new comprehensive health-care system is being devised (1999), with a family focus and emphasis on the promotion of health, community involvement and an

intersectoral approach to the main health issues. The Ministry of Health and Social Security launched the reform of the primary health-care sector by setting up family health teams and did achieve substantial progress in terms of access to, coverage and quality of services. However, such efforts have not been sustained over time.

65. In 1998, some 83.7 per cent of Dominicans had no form of health insurance. After more than 10 years of debate, finally, in 2001, within the space of two months, two important pieces of legislation that transformed the national health system were approved: the General Health Act (42-01) and the Act establishing the Dominican Social Security System (87-01). These acts complement each other and are based on the same guiding principles, chiefly equity, solidarity, comprehensiveness and universality. On the basis of this new legislation, new institutions are being established in the health sector, with specific duties and responsibilities. The law now distinguishes between different categories of functions: management and essential public health matters, which are dealt with by the Ministry of Public Health; the provision of services, subdivided into personal and collective health care; funding, which is chiefly the responsibility of the National Council for Social Security and its treasury; and insurance, which is the responsibility of health risk administrators, under the supervision of the Health and Labour Risks Inspectorate (SISALRIL). These changes in the national health system are aimed at broadening the scope of social protection, reducing inequalities and dealing with risks and determining factors in the health sector.

66. Financing is based on the Dominican Social Security System, which includes a Family Sickness Insurance Scheme offering universal coverage and guaranteed access to a range of services and care under the Basic Health Plan. This Plan and its per capita value are the same for all members, irrespective of the scheme to which they belong and without discrimination on grounds such as age, sex or economic status.

67. In addition to being responsible for funding the Subsidized Scheme and partially funding the Subsidized Contributory Scheme, in its capacity as employer of civil servants the State must also pay in contributions to the Contributory Scheme.

68. However, according to other estimates the implementation of the solidarity pensions scheme alone would represent an additional cost of between 1.5 and 2 per cent of GDP, while the insurance of the population covered by the Family Health-Care Scheme would require additional resources amounting to approximately 2 per cent of GDP, according to estimates by the Health and Labour Risks Inspectorate for 2010.

69. As far as the reform of the pension system is concerned, although the contribution is income-linked and the system is based on individual accounts, on account of the characteristics of the labour market and disparities in salaries, the system is clearly very unfair to women members, since men tend to receive a higher salary than women for the same work. In almost all income brackets, men pay in higher contributions than women, except in the lowest income bracket, where out of the total number of contributors on the minimum salary 53 per cent are women and 47 per cent men. As a result, when they retire, women are less likely than men to have accumulated sufficient contributions for a decent pension.

70. One of the main obstacles to broader membership of the new Social Security Scheme is the fact that its funding depends very much on the performance of the labour market. Thus the financial burden on the State is directly linked to the unemployment rate, the level of poverty and the size of the informal sector. Furthermore, because the contributory and subsidized schemes run separate funds, cross-financing is not possible.

71. The main challenges facing the health and social security sector are:

- (a) Improving the performance of the National Health Authority in terms of the regulation, leadership and management of the sector;
- (b) Ensuring greater public investment, appropriate funding and efficient use of resources;
- (c) Improving the system for compiling statistics, registering and analysing basic data and vital statistics;
- (d) Improving basic information in order to build up a system of human resources planning for the sector, to structure health careers and to draw up an agenda for developing human capital;
- (e) Harmonizing the provision of individual and collective health services so as to increase their coverage and quality;
- (f) Increasing social protection in the area of health by further developing the Dominican Social Security System and extending its coverage, with emphasis on the most vulnerable sector of the population;
- (g) Promote the National Pharmaceutical Policy in order to achieve universal access to quality essential medicines at affordable prices;
- (h) Redirecting public expenditure towards the development of the health-care model, with greater emphasis on promotion and prevention, a family focus and strong community involvement, supported by the primary health-care strategy and concentrating on health priorities such as reducing infant and maternal morbidity and mortality and adolescent pregnancies, with a view to attaining the Millennium Development Goals.

2. HIV/AIDS and development

72. HIV/AIDS is one of the causes not only of premature death among adults but also of poverty and inequalities. It is the most important emerging disease for public health and an important cause of death among adults of reproductive age. The mere fact that AIDS causes the death of young men and women has far-reaching implications for the economy, for it affects not only those directly affected but also their children.

73. The AIDS epidemic has been on the increase for the last 10 years. At the end of 2003, there were reportedly 88,000 HIV-infected people living in the Dominican Republic, including adults and children. The prevalence among adults (aged 15 to 49) for that period is estimated at 1.7 per cent (Joint United Nations Programme on HIV/AIDS (UNAIDS): *Report on the Global AIDS epidemic 2004*).

74. According to a report by the Directorate-General for the Control of Sexually Transmitted Infections and AIDS (DIGECITTS), 15,979 new cases of HIV/AIDS were registered in 2004, of which 58 per cent (9,300) occurred among young adults (aged 15 to 24). This figure is significant given the importance of this sector of the population in laying the foundations for nation-building.

75. AIDS entails not only a loss of income that affects people of working age, but also discrimination in society and the labour market. Reducing the incidence and prevalence of AIDS is a prerequisite for the sustainable eradication of poverty. Measures taken by countries to reduce the impact of the epidemic on all fronts can considerably improve their prospects of development. Likewise, the absence of policies that allow people access to employment, a steady income and essential services increases people's exposure to the disease.

76. According to information provided by the 2002 census, HIV prevalence throughout the country and among the population at large stood at 1 per cent, affecting 1.1 per cent of the male population and 0.9 per cent of the female population. However, seroprevalence among people living in sugar mill farms (*bateyes*) was 5 per cent, with a rate of 4.7 per cent among the male population and 5.2 per cent among the female population.

77. Circular migration with Haiti is another factor which has a significant impact on the characteristics of the epidemic in the Dominican Republic. The prevalence rate in Haiti is 5.3 per cent, which is the highest after sub-Saharan Africa.

78. An increasing proportion of women have to live with HIV/AIDS. In 2003, there were 23,000 women aged between 15 and 49 with HIV (UNAIDS: *Report on the Global AIDS Epidemic 2004*). Women are the most exposed to HIV transmission, owing to biological and social factors. In a country affected by HIV/AIDS it has become more important than ever to promote gender equality and to empower women.

79. The HIV prevalence rate detected through sentinel surveillance is 1.4 per cent among pregnant women (2004). Data for HIV seroprevalence among pregnant women show a decrease at the national and provincial levels (2004) and differences between the provinces under surveillance. The provinces with the highest rates are La Romana (2.52 per cent), San Juan de la Maguana (2.31 per cent) and the National District (1.48 per cent).

80. The existence in the Dominican Republic of a Presidential AIDS Council (COPRESIDA), established by presidential decree in 2001, is proof of the political will to deal with the epidemic. However, the Presidential Council has estimated the financial cost of the national response to HIV/AIDS for the period 2005-2015 at US\$ 440 million, which has so far been funded mainly by international loans and/or donations.

81. In October 2002, six people with HIV/AIDS started antiretroviral treatment under the national programme. In June 2005, the number of people with HIV under clinical supervision was 6,386; some 23.7 per cent (1,512) of people estimated as living with HIV/AIDS were receiving antiretroviral treatment, 88.8 per cent of whom were adults and 11.2 per cent children.

82. The challenges identified include:

(a) Supporting prevention strategies and access to comprehensive care and treatment, as an investment in human development;

(b) Promoting a specific budgetary allocation for HIV and AIDS at the ministerial level in order to sustain prevention strategies and programmes;

(c) Developing bi-national strategies for dealing with factors relating to migration which affect the spread of the epidemic, focused on high prevalence groups;

(d) Promoting public policies aimed at responding to the situation of AIDS orphans and protecting vulnerable groups such as women, young people and children;

(e) Seeking compliance with Act No. 55-93 in order to guarantee the rights of people living with HIV and AIDS;

(f) Including HIV and AIDS in the Basic Health Plan.

E. Water, sanitation and housing

83. Access to drinking water and sanitation is very closely related to people's ability to lead a long and healthy life. Ensuring greater access to drinking water and sanitation implies resolving inequalities between urban and rural areas, the rich and the poor, and men and women.

84. Public spending on drinking water and sewerage as a percentage of GDP was dwindling prior to 1985, then increased rapidly until 1994, when it peaked at 1.6 per cent of GDP. It subsequently fell back to around 0.4 per cent of GDP between 1999 and 2002.

85. The quality of drinking water is one of the main problems facing the Dominican people. In 2002, some 55 per cent of the population used bottled water. The consumption of bottled water was greater in urban areas (66.8 per cent) than in rural areas (33.5 per cent), although it has risen more in the latter than in the former.

86. In 2002, only 37.4 per cent of households had piped water. By 2002, 49.4 per cent of the population had toilets and 38.6 per cent still used latrines.

87. There are significant differences in the coverage levels for the supply of drinking water and public access to sanitation depending on the area and place of residence. In 2002, differences between rural and urban areas had reached 27 per cent in terms of coverage for access to drinking water and 40 per cent for access to sanitation, to the detriment of rural areas, where generally there is no running water in the home. It is usually women and girls who perform the task of fetching water, which means doing double the work, in addition to the fact that they are the most vulnerable to diseases caused by the poor quality of water.

88. There is low coverage for the treatment of waste water: only 48 per cent of waste water is treated before disposal, according to the 2000 regional assessment of drinking water and sanitation, data from the Pan American Health Organization (PAHO), the World Health Organization (WHO) and UNICEF.
89. According to an assessment conducted by PAHO, there are serious difficulties with solid waste management at the municipal level, since municipal councils do not have the technical and financial resources required to deal with it. This situation is exacerbated by the increase in and diversification of waste and the failure to implement sectoral policies based on management strategies that keep pace with new trends for treatment and recycling. This sometimes results in contamination of the soil, surface waters and groundwater, with serious effects on the environment and the health of the population.
90. The current urban crisis is caused by a massive unplanned concentration of the population. In the National District, which has a population density of 9,389 inhabitants per km², there are stark contrasts in urban development when one compares the social reality of the slum districts with the new housing plans (Morel, 2004). The result is a city that is fragmented and polarized. There is widespread deterioration in the poorer districts and over-equipment in the richer residential areas. This shows that the land is used more to produce profits for investors than to meet the needs of residents.
91. In 2002, the demand for housing in urban areas came to more than 500,000 units (IDB, 2004). The shortfall may be attributed to the demand generated by new families every year, the demand of families without housing and the demand of those living in inadequate housing.
92. New poor districts have sprung up, not only because of internal migration but also on account of changes in the use of land. For instance, a poor district may become a commercial or industrial area, whereupon its residents will tend to move to other districts, always looking for low-cost accommodation. At present the urban crisis is basically due to a disorganized and unplanned concentration of the population, with the problems that give rise to in terms of the provision of public services.
93. Owing to the housing deficit and the impossibility for poor people to purchase land and houses, people tend to settle on the outskirts of towns, where land is cheaper because of the lack of facilities and where squats are frequent. This is how slums emerge, where building is largely illegal and there is no urban planning.
94. The housing deficit rose from 29.9 per cent in 1995, to 42.4 per cent in 2000. According to the IDB report, every year the urban population increases by 3.1 per cent and 56,000 new households are formed. It has been estimated that on average 12,000 housing units are built every year by the private sector and some 3,000 by the Government. The poor cope with the housing deficit by devising strategies for building illegally (approximately 75 per cent of housing), without planning permission and causing overcrowding in existing housing areas.
95. Current challenges include:
- (a) Guaranteeing access to and improving the supply of drinking water;

(b) Defining and implementing urban planning policies and urban development projects that provide not only safe housing but also access to basic services;

(c) Increasing housing availability and standards for people on low incomes.

F. Environment and natural phenomena

96. The Dominican Republic is a country of great biological diversity with a high proportion of endemic species among its flora and fauna. It thus contributes to the position of the Caribbean region as one of the five most important biodiversity areas in the world. The country is suffering the consequences, however, of the serious environmental problems that affect the world today, which are magnified because the country is an island.

97. In particular, its environment and natural resource base are being used and degraded without guarantees of sustainability in three main ways: (a) through the degradation of the natural resources of river basins, including water, soil and forest resources, with adverse effects on the country's productive potential; (b) through the destruction and degradation of natural ecosystems and their biological diversity, which jeopardizes its natural heritage; and (c) through air, water and soil contamination, the build-up of solid waste and noise.

98. Negative factors include: activities that lead to an unsustainable use of resources (such as overuse of water resources, agricultural erosion, deforestation, overfishing and uncontrolled mining); changing land use, with the introduction of new methods of exploitation for economic reasons (such as urbanization or industrialization), and practices that give rise to externalities, in other words environmental costs imposed by producers and consumers on other users or the general public (in the form, for instance, of water contamination and sedimentation, air contamination, noise and solid waste).

99. The degradation of the resource base has many socio-economic consequences. The productive potential of the resources is reduced, thereby affecting the sources of income of the sector of the population which depends on them and threatening the sustainability of basic services. The quality of life deteriorates and rural poverty and marginalization increase; the degradation of resources and the environment leads to situations where the impact of natural phenomena such as cyclones, storms and fires is magnified, causing greater vulnerability to disasters; and the competitiveness of the national economy may be affected in the medium term in sensitive sectors such as tourism and agriculture. Most economic players, producers and consumers contribute directly or indirectly to degradation processes.

100. Basic natural resources, such as water, soil and forest resources, are affected by serious degradation processes. The country's main river basins must satisfy an increasing demand for water, which is exacerbated by the inefficient management of water resources and climatic factors. Also the storage capacity of the soil is affected considerably by soil degradation in river basins resulting from human activities. Exploitable forest resources are not being properly managed because the rural communities living in river basins do not have the necessary incentives and facilities to find new ways of managing natural resources sustainably.

101. Deforestation is a serious problem endangering the country's forested areas. According to FAO, in 2000, 28.4 per cent of the territory of the Dominican Republic was forest land. This is twice as much as the previous figure, although it is thought that this is in part due to the methodology used, to greater technological accuracy (use of geographical information systems (GIS)) and to the protection policies implemented in recent decades. A forest policy has been developed based on the reforestation of river basins and the production of plants and seeds, but these efforts are not sufficient to reverse the process.

102. The ecosystems and biological resources of land, coastal and marine areas are also suffering serious adverse effects. Biodiversity in the Dominican Republic includes a large number of endemic species: 36 per cent of plants (1,800 species) and 230 species of vertebrates. Many of them are endangered: 10 per cent of the total and 33 per cent of the vertebrates. Owing to the exceptional biophysical conditions that prevail on the island, its ecological diversity includes a wide range of land, coastal and marine ecosystems. While the State has managed to include representative parts of virtually all habitats within its protected areas, owing to often fragmented and inefficient protection terrestrial ecosystems are in many cases still endangered. The coastal marine resources, which are of particular importance for biodiversity and the development of the tourist industry, suffer the combined effect of inappropriate use, and contamination and sedimentation from the main river basins.

103. In order to safeguard biological diversity, in 1974, the Dominican Republic established the National System of Protected Areas. By 1998, 16.2 per cent of Dominican land surface was protected by the system. In 2000, that figure rose to 19 per cent but then fell back in 2004 to around 16 per cent. It is estimated that at the time of writing the report (2005) there were 83 protected areas, less than half of which were properly protected.

104. Forest fires contribute significantly to the loss of plant cover and have an impact on natural ecosystems, mostly in protected areas. Between 1962 and 2004, there were 5,629 fires which affected 282,879 hectares, representing an annual average of 0.14 per cent of the total land surface of the Dominican Republic. Annual losses have cost around RD\$ 385 million.

105. The main problems affecting environmental quality are connected with urban and industrial growth, including water contamination by untreated effluents, increasing difficulties with the management and proper treatment of the growing quantity of solid waste and the degradation of air quality caused by emissions of particulate matter from vehicles and electric plants. Contamination by agrochemicals is a matter of concern in areas of intensive production.

106. As far as solid waste is concerned, according to an assessment conducted by PAHO, there are serious difficulties with solid waste management at the municipal level, since municipal councils do not have the necessary technical and financial resources to deal with it. This situation is exacerbated by the increase in and diversification of waste and the failure to implement sectoral policies based on management strategies that keep pace with new trends for treatment and recycling: This sometimes results in contamination of the soil, surface waters and groundwater, with serious effects on the environment and the health of the population.

107. As far as the relationship between energy and the environment is concerned, energy consumption per capita is on the rise. GDP per unit of energy use (PPP US\$ per kg of oil

equivalent) increased from 6.5 in 1990 to 7.4 in 2000. For 2001, the Latin American Energy Organization (OLADE) estimated a consumption of 4.5 BOE (barrels of oil equivalent) per capita. Despite this increase, it is estimated that approximately 2 million inhabitants still have no access to electricity and more than 800,000 homes in deprived urban neighbourhoods lack reliable services.

108. It is essential to monitor carbon dioxide (CO₂) emissions and consumption, given that the substance is one of the main causes of global warming and the greenhouse effect. CO₂ emissions have increased from 15.00005 million tonnes in 1994 to 16.649 million tons at present. Per capita carbon dioxide emissions (in tonnes) have also been rising: from 1,356 in 1990 to 1,700 in 1995 and 2,813 in 1998.

109. With regard to disasters, it is worth bearing in mind that on account of its location the Dominican Republic is permanently exposed to natural hazards (hurricanes, earthquakes, flooding and drought). The effects of inadequate environmental policies such as poor river basin management, including deforestation, and the dynamics of climate change have left the country vulnerable to natural phenomena, whence the need for preventive, mitigating and remedial measures.

110. Eighteen projects are being implemented at the national level, including the preparation of maps and studies to identify areas with a high risk of natural disasters. Steps have been taken to minimize the vulnerability of the border area through bilateral agreements with Haiti, including the 2004 Jimaní Declaration.

111. Civil Defence and the National Emergency Commission are affected by insufficient funding and limited implementation of the plan for natural disaster prevention and mitigation. Under General Act No. 64-00 on the environment, municipal environmental management units (UGAM) have been set up within government agencies to develop risk-management activities, in accordance with the national risk management system (PMR: prevention, mitigation and response).

112. In the Dominican Republic all problems related to the environment and natural resource management are connected with land management. The country lacks the capacity to administer economic development and the expansion of human settlements in accordance with the productive potential of the regions and ecosystems.

113. The Dominican Republic tackles its environmental problems in part by joining multilateral conventions and agreements on the environment. It attended the United Nations Conference on Environment and Development held in Rio de Janeiro (Brazil) in 1992; the Global Conference on the Sustainable Development of Small Island Developing States held in Barbados in 1994; the World Summit on Sustainable Development held in Johannesburg (South Africa) in 2002; and, more recently, the United Nations International Meeting on Small Island Developing States held in Mauritius in 2005. It also signed the Millennium Declaration adopted by the General Assembly and is working actively towards the attainment of the Millennium Development Goals by 2015. It is a signatory to the principal multilateral treaties relating to the environment, such as the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, and the Convention to Combat Desertification, among others.

114. The Dominican Republic recently reformed its legal and institutional framework and has set up the first Ministry of the Environment and Natural Resources (SEMARN).

115. Despite all this, it faces serious challenges in terms of land management in its efforts to achieve environmental sustainability:

(a) Taking advantage of currently available up-to-date environmental data as a basis for developing environmental sustainability indicators, devising strategies and implementing suitable policies;

(b) Reviewing, updating and adopting the national programme for environmental and natural resources management and the strategic plan of priority action formulated within the framework of the National Environmental Policy Reform Project (World Bank/UNDP/SEMARN);

(c) Fulfilling commitments undertaken under multilateral conventions, such as the Biological Diversity Strategy and the National Action Programme (NAP) adopted under the Convention to Combat Desertification, which help strengthen national policies and mobilize international support in relation to those issues;

(d) Supporting activities related to the conservation of biological diversity and the national system of protected areas;

(e) Improving river basin management, including through sustainable use of land and water resources and reforestation;

(f) Supporting better environmental quality management;

(g) Ensuring effective and timely implementation of the natural disaster prevention and mitigation strategy;

(h) Expanding the normative and regulatory framework relating to the environment and enhancing monitoring capacities.

G. Migration and development

116. From being isolated, mainly migrant receiving and relatively regulated, the Dominican Republic has become a very open country with two-way migration. This process was due to a changing economic model, growing social exclusion related to changing relations with the United States and the impact of the situation in Haiti.

117. In recent decades, the Dominican Republic has received an influx of migrant workers from Haiti, who mainly helped develop the sugar industry, the agricultural sector in general and the building sector. As a result, there is the misconception that migration to the Dominican Republic is mainly of Haitian origin. But there are other significant migration trends.

118. Most migrants in the Dominican Republic are young men. In fact, among immigrants 91 per cent of Haitians and 72.5 per cent of other nationals who are heads of

households are male. Also, in October 2003, 47.7 per cent of Haitian heads of household and 51.3 per cent of other nationals resident in the Dominican Republic were between 18 and 39 years of age.

119. The Haitian workforce is basically uneducated. It is estimated that 52.1 per cent of Haitian immigrants have never gone to school and according to various studies conducted in the 1980s over 50 per cent were then illiterate, 43.9 per cent had received some form of basic education and only 4 per cent had attended secondary school. Conversely, migrants from other countries are generally well educated, with 66.4 per cent having undertaken graduate or post-graduate studies, which suggests that they are mostly professionals or technicians.

120. Haitian migration largely consists of short-term flows through cross-border markets. In the past 10 years there has been an increase in both documented and undocumented migration; also, this group of migrants has become more visible and is now an integral part of the urban labour force. This is due partly to a growing demand for labour that cannot be met with Dominican workers alone, and partly to the sustained economic, political and social crisis occurring in Haiti.

121. A large percentage of the migrants that live and work in the Dominican Republic are illegal and their rights are often not respected. In the case of Haitians, the Dominican Republic and Haiti signed a declaration on the repatriation of Haitian nationals in 1999. The agreement was never properly implemented, however. Instead there have been frequent large-scale deportations of migrants and many confirmed cases where the rights of migrants, even those entering the country legally, were not respected.

122. It would be necessary to establish which type of migrant should benefit from the naturalization provisions contained in the Migration Act No. 285-04 and which should be deported. Under the Migration Act, even the children of illegal migrants are considered illegal residents, even when they were born in the Dominican Republic. The issue warrants extensive, in-depth consideration, since opinions diverge when it comes to possible inconsistencies between the Migration Act, the Constitution and other higher-ranking norms.

123. As to the outward migration of Dominicans, an estimated 1 million Dominicans were living abroad in 2000. These emigrants continue to maintain close ties with the Dominican Republic, as reflected not only in the monthly remittances sent to their families, but also in their frequent visits to the country.

124. Women account for a majority of emigrants. According to the 2002 National Population and Housing Census 52.2 per cent of emigrants were women, compared with 47.8 per cent men.

125. The economic impact of immigrant and emigrant remittances in the Dominican Republic is considerable. According to data provided by the Central Bank of the Dominican Republic in 2003, remittances sent back by Dominicans living abroad amounted to 2,060.5 million dollars, equivalent to 12.23 per cent of GDP. Remittances sent from the Dominican Republic to Haiti must also be taken into account; rather than money, these often consist of consumer goods that Haitian immigrants buy in the Dominican Republic.

126. The issue of trafficking in human beings has become a growing concern in recent years. Within a very short period of time, the Dominican Republic had changed from being a country of

origin into one of transit or destination of human trafficking (women, boys, girls and men). Colombian, Peruvian, Haitian, Venezuelan, Chinese and Eastern European migrants are known to have been trafficked into the Dominican Republic for the purpose of forced labour or sexual exploitation.

127. Suitable mechanisms need to be put in place to facilitate the effective implementation of policies aimed at regulating rural-urban migratory flows. In addition a strategy is needed to strengthen local government and local development.

128. Main challenges:

(a) Developing and implementing a migration policy with emphasis on the following issues: regulation of domestic migration, as well as inward and outward international migration; labour agreements; remittances; the fight against human trafficking and illicit trafficking in migrants; the fight against corruption; respect for migrants' rights;

(b) Identifying a feasible migration policy for the Dominican Republic that takes account of the geographic, political, economic and social conditions of the Island of Hispaniola and considers the positive and negative impact of Haitian immigration;

(c) Maintaining links with the Dominican community abroad with a view to involving them in the national development process;

(d) Supporting the establishment of mechanisms that regulate and facilitate the sending of remittances and that promote individual and collective development;

(e) Clarifying the status of the children of undocumented migrants born in the Dominican Republic.

II. GENERAL MEASURES OF IMPLEMENTATION **(arts. 4, 42 and 44, para. 6, of the Convention)**

A. Advances in the legal framework

129. In 2000, issues related to children and adolescents were at the top of the agenda since, that year, the Millennium Summit was held at the United Nations headquarters and led to the adoption of the Millennium Declaration¹, which is the most important fundamental agreement of

¹ In September 2000, 189 Heads of State and Government adopted the Millennium Declaration and came together in the United Nations General Assembly to reaffirm their support for the United Nations and its Charter. The Declaration and the Millennium Action Programme define a set of objectives based on peace, security, development, the environment, human rights and governability. The key objectives of the Millennium Declaration are: reduce by half hunger and extreme poverty worldwide; ensure that 95 per cent of children and adolescents complete a full course of primary schooling; eliminate gender disparity at all levels of education; reduce by two thirds the mortality rate among children under 5 and reduce by three quarters the maternal mortality ratio.

the international community to address the problem of poverty in all regions of the world. The Ibero-American Agenda on Children and Adolescents and the attendant Action Plan² adopted at the Eleventh Ibero-American Summit of Heads of State and of Government, the Millennium Declaration and Development Goals, the United Nations General Assembly Special Session on Children: “A World Fit for Children”, together with the Convention on the Rights of the Child make up the instruments on the basis of which the Dominican Republic formulates policies, plans, programmes and projects for children and adolescents (National Plan to guarantee the rights of children and adolescents for the period 2003-2013, National Council for Children and Adolescents (CONANI).

130. In response to the suggestions made by the Committee on the Rights of the Child in its recommendations on the initial country report, the Dominican Republic embarked in 2001 on a second reform of its basic legal framework for the protection of children and adolescents. As a result of that process, on 7 August 2004 the Government promulgated Act No. 136-03 establishing the Code for the System of Protection of the Fundamental Rights of Children and Adolescents. This Code entered into force on 17 October 2005.³

131. The new Act is divided into four books. Book I describes the principles underlying the legal framework for the protection of children and adolescents and the State’s obligations in that respect, while books II and III set out the regulations, structures and proceedings relating to family law, juvenile criminal law and constitutional law. Book IV covers institutional mechanisms and proceedings based on administrative law intended to facilitate the introduction of social policies for the full protection of the rights of children and adolescents, the adoption of special protective measures and the restoration of rights.

132. The general principles of the Code include, among others, seven aspects that clearly reflect its congruence with the Convention on the Rights of the Child and show how minors are legally incorporated into the world of citizenship: (a) definition of children and adolescents as subjects of law; (b) equality and non-discrimination for all underage persons; (c) the best interest of

² The components of the Ibero-American Action Plan for Children (2000-2010) can be summed up as follows: ensure that all children are registered; guarantee children’s right to participation; prevent and punish all forms of abuse or violence; provide juvenile justice systems that guarantee their rights. Prioritize policies and programmes that promote integral development from an early age; enhance basic social services; provide universal access to preschool, primary and secondary education; improve the nutritional status. Reduce infant mortality and maternal mortality; prevent early pregnancies and reduce the risk of HIV infection and sexually transmitted diseases. Consolidate activities that prevent trafficking in children and adolescents; eliminate the worst forms of child labour and ensure the social inclusion of adolescents, among others.

³ The Code replaced Act No. 14-94 of 22 April 1994, which first introduced the Code for the Protection of Children and Adolescents.

children and adolescents; (d) absolute priority given to upholding the rights of that population group; (e) the State's obligations in that respect; (f) the right to family life; (g) society's participation in the drafting, implementation and design of policies and programmes.

133. The recognition of fundamental rights and guarantees covers two areas, namely "new rights" and the "review" of existing rights. New rights comprise recognition of the fundamental rights of children and adolescents, including the right to a name and nationality, the right to be registered in a civil registry, the right to maintain relations with all members of the family, the right to culture, sports, recreation and leisure time, the right to entertainment, the right to a healthy environment, to personal integrity and to the recovery of rights, and the right to challenge abuse. In addition to those issues relating to the special status of children and adolescents, the Code establishes fundamental rights for this population group to which all citizens are entitled, such as the right to freedom, to express views and to be heard and to participate, to the protection of privacy and reputation, and the right of access to information.

134. The recognition of fundamental rights and freedoms also implies the establishment of duties, which will be discussed at length later in connection with the issue of the criminal responsibility of adolescents. The law also establishes the right to protection against all forms of labour exploitation. As far as the review of "old" rights is concerned, the reform basically recognizes social rights, especially the rights to health and education, as enforceable.

135. The legal and institutional framework set out in books II, III and IV of Act No. 136-03 makes up the National System of Protection. This system is aimed at remedying the legal and procedural inconsistencies of Act No. 14-94 by ensuring that rights protection institutions and mechanisms are consistent with the legal norms established in book I.

136. The new Code distinguishes between social conflicts and legal conflicts; in other words it separates the treatment of victims from that of offenders and the issue of social policies from that of criminal justice, and it draws a distinction between the aims of protection, prevention and repression.

B. Institutional mechanisms for guaranteeing rights in the framework of the Millennium Development Goals

137. The Dominican Republic is one of the seven pilot countries to be selected for the United Nations Millennium Project. It is the only Latin American country that has completed a needs assessment and cost analysis for the attainment of the Millennium Development Goals. It is further proud to be the only country in the world that has a Presidential Commission to monitor the implementation of the Millennium Development Goals, which takes an inter-ministerial, cross-sectional approach to the attainment of those objectives.

138. The Presidential Commission on the Millennium Development Goals and Sustainable Development (COPDES), headed by the President of the Dominican Republic, Dr. Leonel Fernández Reyna, is responsible for monitoring and evaluating the progress made with regard to the implementation of the Millennium Development Goals. The Commission links government departments, the business sector, civil society and United Nations agencies with the Millennium Project.

139. The first report on the Millennium Development Goals was prepared in 2004. That report was the starting point for a multisectoral, participatory process, in the course of which Dominican society has worked out the most suitable public policies to achieve the desired objectives. Working groups were set up to carry out a needs assessment and a cost analysis, and to develop a national strategy for sustainable development (NSSD) and a poverty reduction strategy (PRS).

140. Through multisectoral plenary meetings, technical workshops and joint meetings of government institutions and agencies of the United Nations system present in the country, 8 working groups, 20 subgroups and various sub-subgroups have been working to ensure compliance with each of the Millennium Development Goals in the Dominican Republic. The following working groups are responsible for carrying out individual “needs assessments” in order to identify their order of interventions, described in general terms as the goods, services and infrastructures required for the attainment of the objective pertaining to their particular field:

- (a) Working group on hunger;
- (b) Working group on education;
- (c) Working group on infrastructure;
- (d) Working group on health;
- (e) Working groups on information and communication technology (ICT);
- (f) Working group on the environment;
- (g) Working group on gender;
- (h) Working group on HIV/AIDS.

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

141. 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, as well as citizens’ 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 engaged in formulating, coordinating, incorporating, supervising, implementing and evaluating public policies, programmes and actions at the national, regional and municipal level for the full protection of the rights of children and adolescents.”

142. The National System for the Protection of the Rights of Children and Adolescents includes the following components:

- (a) Policy design, planning, monitoring and evaluation bodies: governing boards of national and municipal councils;
- (b) Policy implementation bodies: national and municipal offices and public and private care providers;
- (c) Bodies for the protection, defence and enforceability of rights: local committees for the protection and restoration of rights;
- (d) Juvenile courts, executing judges (*jueces de ejecución*), appeal courts, the Supreme Court of Justice;
- (e) The Office of the Ombudsman for children and adolescents;
- (f) The Office of the Public Prosecutor for children and adolescents.

143. The National System for the Protection of the Rights of Children and Adolescents is divided into two units: (a) the administrative subsystem and (b) the judicial subsystem. Given that Act No. 136-03 fully entered into force only on 17 October 2004, the institutional mechanisms of both the administrative subsystem and the judicial subsystem are still under development, with the gradual establishment of national structures.

D. Administrative subsystem

144. The administrative subsystem is made up of the National Council for Children and Adolescents (CONANI). This decentralized institution, which has legal personality and its own assets, is the highest administrative body in the National Protection System. In accordance with the law, the Council is responsible for implementing policies, programmes, projects and initiatives for children's and adolescents' rights within the country by liaising between and coordinating governmental and non-governmental institutions at the local and national level.

145. The basic functions of the Council are:

- (a) Managing the work of the national and regional offices, municipal boards and municipal offices, which belong to the National Council for Children and Adolescents;
- (b) Coordinating and monitoring the design and implementation of the basic social welfare, care and protection policies of the bodies that make up the National Board;
- (c) Ensuring the implementation of mechanisms for the protection of children and adolescents whose rights are threatened or violated, in administrative and judicial procedures;
- (d) Advising the State bodies responsible for ratifying international commitments, treaties, conventions and other instruments concerning children's and adolescents' rights to which the country adheres.

E. Composition: current situation

1. National Board

146. The National Board is made up of 12 institutions plus the Executive Presidency and the General Management, which acts as the secretariat of the Board. The National Board, which has been operational since mid-2003, holds ordinary and extraordinary meetings and is chaired by a civil servant with ministerial rank.

2. National Office

147. The National Office has been formally operational since mid-2003, and was the principal agency underlying the development of the management model set out in Act No. 136-03. It comprises various multisectoral coordination mechanisms, such as the specialized committees dealing with issues such as commercial sexual exploitation, child labour, the right to a name and nationality and trafficking of children.

3. Regional offices

148. At the end of 2003, work began on setting up the regional offices. The National Council for Children currently has 10 offices located in 10 regions, which gives it 100 per cent coverage. They are as follows:

- (a) Metropolitan Regional Office (Ozama);
- (b) Cibao North Regional Office (Santiago);
- (c) Cibao South Regional Office (La Vega);
- (d) Valdesia Regional Office (San Cristóbal);
- (e) El Valle Regional Office (San Juan);
- (f) Higuamo Regional Office (San Pedro de Macorís);
- (g) Yuma Regional Office (La Romana);
- (h) Cibao North West Regional Office (Mao Valverde);
- (i) Cibao North East Regional Office (San Francisco de Macorís);
- (j) Enriquillo Regional Office (Barahona).

4. Municipal boards

149. At the time of writing, none of the municipal boards is operational. However, since the end of 2005, development and coordination work has started in 54 municipalities in readiness for the establishment of municipal boards. It is hoped that by the end of December 2006, 14 municipal boards will have been set up and that they will be operating in accordance with Act No. 136-03.

5. Municipal offices

150. No municipal offices have yet been set up. The workload of the municipal offices is being covered by regional offices. Efforts at the local level are currently being undertaken in combination with other initiatives in order to set up the offices. It is hoped that by the end of this year, some six offices will be operational.

6. Local committees for the protection and restoration of rights

151. Local committees for the protection and restoration of rights have reached the same stage as the municipal offices. It is hoped that at least six will be operational by the end of the year.

F. Judicial subsystem

1. Juvenile courts

152. Some 20 juvenile courts are currently operating in the following localities: National District, Santiago, San Cristóbal, San Pedro de Macorís, La Vega, San Francisco de Macorís, Montecristi, San Juan de la Maguana, Barahona, Valverde, Puerto Plata, Espaillat, María Trinidad Sánchez, Sánchez Ramírez, La Romana, El Seibo, Peravia, La Altagracia, Santo Domingo and Monseñor Nouel. Courtrooms have been refurbished in line with the requirements of the new criminal procedure.

153. Similarly, the courts in the National District, Santiago, San Cristóbal, La Vega and San Pedro de Macorís, Santo Domingo and San Francisco de Macorís have been divided into civil chambers and criminal divisions.

2. Courts monitoring the enforcement of sanctions imposed on adolescents who are in conflict with the criminal law

154. A total of 11 courts have been established to monitor the enforcement of sanctions on adolescents who are in conflict with the criminal law in the judicial districts of the National District, La Vega, San Cristóbal, Santo Domingo, Santiago, San Pedro de Macorís, Barahona, San Francisco de Macorís, Montecristi, San Juan de la Maguana and Puerto Plata, with the objective of ensuring that the fundamental rights of adolescents who have been punished are protected.

3. Appeal courts for children and adolescents

155. To date, only five appeal courts for children and adolescents are operational, but priority is being given to establishing more appeal courts in 2006.

156. The presidents of the appeal courts for children and adolescents were appointed as Departmental Commissioners for the implementation of Act No. 136-03.

G. Other advances

157. The National School for the Judiciary has provided training for juvenile judges, consisting of three complete judicial training modules and three continuous training courses.

158. The achievements and actions of the Department for Children, Adolescents and the Family of the Judiciary have included:

(a) Promoting and disseminating the rights of children and adolescents through 25 workshops on preventing child abuse, in which some 3,320 students from 16 schools took part in April, with the distribution of bookmarks and workbooks on children's rights, advice on preventing child abuse and warnings to parents regarding the consequences of such abuse;

(b) Training 543 teachers in 28 workshops given in public and private schools on the theme of "Children's and adolescents' rights and duties: the teacher's role", with support materials containing information on children's and adolescents' rights and duties based on the Constitution, the Convention on the Rights of the Child and Act No. 136-03.

159. Priority was given to examining courts and criminal courts specializing in domestic violence.

160. Several measures were taken to promote and disseminate children's and adolescents' rights, including workshops on child abuse, the production of a school workbook on children's rights and abuse alerts, and the distribution of bookmarks and practical guides for parents.

161. The following rulings handed down by the Supreme Court supplement Act No. 136-03:

(a) Resolution No. 602-2004 of 13 May 2004 on knowledge of adoption proceedings for abandoned children;

(b) Resolution No. 699/2004 of 27 May 2004 on early measures for recognizing and applying fundamental principles, procedural guarantees and other measures to guarantee due process of law for adolescent defendants;

(c) Resolution No. 1618-2004 of 2 December 2004 on proceedings in the courts that monitor the enforcement of sanctions on adolescents;

(d) Resolution No. 1471-2005 of 1 September 2005 on approval of agreements on nutrition;

(e) Resolution No. 1841-2005 of 29 September 2005 on family law procedures that are not laid down by law;

(f) Circular No. 34 of 21 September 2005 concerning Principle X of Act No. 136-03 on cost-free procedures and formalities;

(g) Resolution No. 1186-2006 of 6 April 2006 empowering justices of the peace to act as juvenile judges during the pretrial phases in criminal proceedings;

(h) Resolution No. 1738-2006 of 29 June 2006 giving jurisdiction to a court other than the one that originally heard a case whenever the Court of Appeal orders a retrial;

(i) Resolution No. 2634-2006 of 7 September 2006 establishing regulations on precautionary measures and hearings during preparatory proceedings before a juvenile court.

1. National Department for Children and Adolescents of the Office of the Procurator General

162. The Office of the Procurator-General has established effective programmes for the welfare, guidance, sanctions and rights of children and adolescents within the framework of Act No. 136-03, on the basis of the following resources.

2. Public Prosecutor's Office for children and adolescents

163. One of the duties of the Public Prosecutor's Office for children and adolescents is to ensure that the rights of children and adolescents and their physical safety are safeguarded.⁴

3. Actions and achievements

164. The Public Prosecutor's Office for children and adolescents at national level⁵ is made up of eight Procurators-General of children's and adolescents' appeal courts, with assistants, in the judicial departments of the National District and the Provinces of Santo Domingo, San Cristóbal, La Vega, San Pedro de Macorís, Santiago de los Caballeros, San Francisco de Macorís, and San Juan de la Maguana.

165. Training in juvenile criminal law was provided in Madrid, Spain.

166. A seminar was held at the National Drugs Control Department for all specialized staff of the Public Prosecutor's Office.

4. Specialized Judicial Police

167. The task of the Specialized Judicial Police is to support the Public Prosecutor's Office for children and adolescents in its efforts to guarantee children and adolescents the opportunity to grow up into adults who are able progressively to foster our country's sustainable development.

5. Actions and achievements

168. A central office has been set up for the Specialized Judicial Police for children and adolescents.

169. The first 100 specialized judicial police officers (men and women) received training at the national school of public safety in Hatillo, San Cristóbal, over a four-month period in all issues with which police officers must be familiar in order to perform their duties in society.

170. Altogether 96 graduates were trained and assigned to all the country's provinces that have Prosecutor's Offices for children and adolescents.

⁴ Act 136-03, art. 258.

⁵ Ibid., art. 256 et seq.

171. Specialized judicial police officers were assessed and trained at the national school of the Public Prosecutor's Office with the backing of the International Labour Organization and the Universidad Iberoamericana (UNIBE). Only 51 of these graduated.

172. The central offices of the Specialized Judicial Police for children and adolescents have been refurbished, extended and adapted.

173. Specialized judicial police officers receive ongoing training and updates on children's and adolescents' rights.

174. The basketball courts of the assessment and referral centre for juveniles in the Cristo Rey district and the juveniles' unit of the Dr. Máximo Antonio Álvarez reformatory institute were repaired and renovated, and two basketball trainers were appointed to give the youngsters daily training sessions. This has earned the youngsters' respect for the centres' authorities and security officers, apart from improving the physical and mental health of the young people involved, and more importantly, order and discipline. Basketball tournaments are being held between the centres, which helps to build up a competitive spirit among the sports teams.

6. National Department of Comprehensive Care for Adolescents in Conflict with the Criminal Law

175. This department's role is the social reintegration of adolescents who have had problems with the law by giving them relevant, viable alternatives and ensuring that their fundamental rights are respected when they enter comprehensive care centres.

7. Actions and achievements

176. Remedial and rehabilitation centres were put out to tender in Santo Domingo, San Francisco de Macorís and Harás Nacionales with funding from the European Union.

177. Three units have been set up to monitor socio-educational measures, located in Santo Domingo, San Cristóbal and the National District.

178. The Najayo comprehensive care centre for adolescents has been refurbished.

179. Refurbishment work has also begun at the La Vega centre and the assessment and referral centre for juveniles. Construction work will soon begin on two more centres, one in Villa Mella and another in Santiago.

8. Other activities

180. The Department for Children and Adolescents of the Office of the Procurator-General has taken several steps to safeguard children's and adolescents' rights, including:

(a) Introducing regulations explaining the functioning of the institution (system chart and job description handbook);

(b) Preparing a programme to disseminate information on the role that the Code for the Protection of Children and Adolescents (Act No. 136-03), plays in Dominican society;

- (c) In conjunction with the national school of the Public Prosecutor's Office, assessing and training staff of the Public Prosecutor's Office and the Specialized Judicial Police in the knowledge of Act No. 136-03;
- (d) Advising in conjunction with the head of the Specialized Judicial Police, advising on the training of police officers specialized in working with children and adolescents to assist the Public Prosecutor's Office;
- (e) Training professionals assigned by different institutions to ensure that Act No. 136-03 is properly implemented;
- (f) Facilitating inter-agency relations between all those working in the area of children and adolescents, through such activities as talks, conferences, workshops and seminars;
- (g) Advising the Procurator-General on Act No. 136-03 on the protection of children and adolescents, Act No. 24-97 on domestic violence, and the Convention on the Rights of the Child;
- (h) Taking part in events concerning children's and adolescents' rights and the family, and representing the Office of the Procurator-General in all related matters;
- (i) Receiving users in order to guide them and provide them with the service most suited to their requirements;
- (j) Hearing cases involving persons to whom special jurisdiction applies;
- (k) Providing guidance to the Public Prosecutor's Office on complex or unusual cases;
- (l) Carrying out tasks assigned to it by the Procurator-General of the Republic;
- (m) Defending the rights of children and adolescents before the national courts, in complex cases that are of social importance;
- (n) Responding to calls for help by citizens who have detected abuse against children or adolescents;
- (o) Following up the files of the country's various courts, when the user appearing before the department declares that his or her rights have been violated as a result of inadequate handling by the Public Prosecutor's Office.

9. Specialized committees

181. The country currently has a number of inter-agency committees that deal with various issues relating to children and adolescents in a coordinated manner. They include the following:

- (a) The committee for the right to a name and nationality;
- (b) The committee for the execution of justice for children and adolescents (CEJNNA);
- (c) The committee to combat commercial sexual exploitation;

- (d) The committee to combat the exploitation of child labour;
- (e) The committee to combat trade and trafficking of children and adolescents.

182. Each of these committees initiates actions in accordance with its operational plans and the guidelines of the governing board of the National Council for Children and Adolescents (CONANI).

10. Policies, plans and programmes for children and adolescents

183. The country has a number of plans through which it is intended to implement the Convention,⁶ including the National Plan to Guarantee the Rights of Children and Adolescents (2003-2013); the National Plan to combat the Worst Forms of Child Labour, and actions to combat the commercial sexual exploitation of children and adolescents.

184. The institutional framework, social plans and programmes of the Dominican Republic reflect its general policy of promoting the advancement and respect of the fundamental rights of children and adolescents. However, the resources - especially financial resources - available to meet the demands and social requirements of children and adolescents have been insufficient.

H. Plans in favour of children and adolescents

1. General description

185. Currently, the Ministry of Labour, which heads the system to combat child labour and acts as executive director of the National Steering Committee to Combat Child Labour, has initiated a series of actions designed to meet our national and international commitments, the main outcomes of which are described below.

2. Child labour

186. The strategic National Plan for the Elimination of the Worst Forms of Child Labour is designed to tackle this problem from an overall perspective. It proposes thematic strategies (for prevention, protection, care and gradual elimination), and geographic and sector-based strategies (involving over 50 state-sector institutions, civil society, entrepreneurs, employers and workers) aimed at the gradual elimination of the worst forms of child labour.

187. The strategic plan involved coordination with the following institutions for the purposes of cross-referencing information on child labour:

⁶ All public and private, governmental and non-governmental institutions have had their policies and programmes for children and adolescents reviewed, in line with the requirements of Act No. 136-03, and have been requested to embark upon a restructuring process. The legal work involved falls to the Supreme Court of Justice and its bodies, the Office of the Attorney-General and its bodies and units; similarly, the administrative work falls to the National Council for Children and Adolescents (CONANI).

- (a) Ministry of Public Health (to include instruments comprising several child labour variables);
- (b) The Central Bank of the Dominican Republic (that included child labour variables in the annual labour force survey);
- (c) The National Statistical Office (ONE), which is to include child labour variables in its surveys and field studies.

188. The Inter-Agency Commission on Abuse and Commercial Sexual Exploitation of Children was set up to combat commercial sexual exploitation under the joint chairmanship of the Ministry of Labour and the National Council for Children. It is composed of over 20 governmental⁷ and non-governmental institutions and international bodies, and is responsible for proposing, coordinating and initiating activities designed to combat abuse and commercial sexual exploitation of children and adolescents in the Dominican Republic.

189. In 2002 the Commission reformulated the Dominican Republic's Action Plan to Combat Abuse and Commercial Sexual Exploitation. The Plan is structured along the lines of the Convention on the Rights of the Child and the Agenda for Action, the outcome of the World Congress against Commercial Sexual Exploitation of Children, held in 1996 in Stockholm, and incorporating the recommendations of the Second World Congress, held in 2001 in Yokohama (Japan).

3. Plan to combat commercial sexual exploitation

190. The Action Plan to Combat Abuse and Commercial Sexual Exploitation has the following objectives:

- (a) Strengthening the family as the fundamental unit for development;
- (b) Strengthening social and public responsibility; encouraging people to report, and increasing public awareness of abuse and sexual exploitation of children and adolescents;
- (c) Reviewing and improving laws, policies, programmes, basic services and protection;

⁷ The Committee is composed of the following institutions: the Ministry of Labour; National Council for Children and Adolescents (CONANI); Ministry of Education; Ministry of Foreign Affairs; National Police; Ministry of Public Health; Ministry of Women's Affairs; Supreme Court of Justice; Office of the Procurator-General of the Republic; National District Prosecutor's Department; the Family Institute; Ministry of Tourism; Tourism Police; Directorate-General for Migration; Inter-American Children's Institute; *Muchachos con Don Bosco*; MAIS project; *Caminante* project; NGO coalition; United Nations Children's Fund (UNICEF); International Programme on the Elimination of Child Labour (IPEC).

(d) Strengthening laws and the justice administration system in order to track down and prosecute in an effective manner the perpetrators of abuse and exploitation of children and adolescents.

191. The Action Plan is designed to be implemented over a period of 10 years, divided into stages. The first stage covered the process of overall coordination and involvement of key actors, and the identification of strengths and weaknesses, helping to build a model for addressing the problem at hand.

192. As a mechanism for initiating immediate actions, an Annual Operating Plan is prepared, structured along the lines of the Stockholm Agenda for Action. The Plan is drawn up and adopted by all the institutions of the Commission, and in 2001, 2002 and 2003 completed over 90 per cent of its planned activities.

193. In the area of prevention, the country has carried out national and international activities, on the basis of data compiled from qualitative studies, the most recent of which - funded by the International Programme on the Elimination of Child Labour (IPEC) in 2002 - indicated that Dominican nationals accounted for 67 per cent of the perpetrators of commercial sexual exploitation, the remainder being foreign nationals.

194. Under Act No. 136-03, inter-agency coordination is mandatory.⁸

⁸ The obligations under the Code (Act No. 136-03) are as follows: guarantee all rights of children and adolescents enshrined in the Code and other international instruments; safeguard the identity of, and provide an environment of respect and dignity for, children and adolescents; carry out an individual socio-economic study of each case; keep an up-to-date register of data including the date of entry, name of the child or adolescent and his or her parents or guardians, education, sex, age, list of personal belongings, and other information enabling identification and care to be tailored to needs; submit a quarterly (at least) report to the CONANI municipal office; carry out an individual socio-family study, and make recommendations; review each case periodically (at least every three months) and submit the resulting information to the competent authorities; communicate to the CONANI municipal office any cases where it is difficult to re-establish family ties; provide physical facilities with suitable housing, health, hygiene and safety conditions, including the provision of toiletries; provide a sufficient, balanced diet that meets requirements in line with the child or adolescent's age; provide medical, psychological, dental, pharmaceutical or any other type of care that he or she may need; guarantee his or her integration in school. If required, offer remedial courses; promote cultural and sports activities; enable religious attendance for those who require it, in accordance with their beliefs, providing these do not result in a breach of law and order or public morals; communicate to the health authorities and CONANI authorities all cases of children or adolescents with contagious diseases, for monitoring and treatment purposes; issue a receipt for the deposit of a child or adolescent's personal belongings, upon admission to a reception centre, and guarantee the safeguarding of these belongings; maintain a programme of support and follow-up for those leaving a centre, for as long as required; manage documents required for the exercise of their rights.

I. Children's rights programmes

1. Programme to support families of adolescent workers

195. The Dominican Republic, as a Member State of the International Labour Organization (ILO), adopted and ratified ILO Convention No. 138 concerning Minimum Age for Admission to Employment (Minimum Age Convention) of 1973, which in conjunction with ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention) of 1999, ratified in 2000, together with a body of national laws (inter alia Act No. 136-03 on the system of protection of the fundamental rights of children and adolescents, Act No. 137-03 on the trade and trafficking of persons, and the Labour Code), constitute the legal bases for action to combat child labour in the Dominican Republic.

196. The formulation of these policies has given rise to a whole social movement, with increased sensitization and awareness, which to date has enabled 25,200 children and adolescents who work, or who are at risk of being exploited, to benefit from programmes of action, and 2,850 families to benefit from social protection, education and health measures, vocational training and support in generating alternative income.

197. Examples include: the programme for the elimination of child labour in the tomato industry in Azua; the programme to make Constanza the first municipality free from the worst forms of child labour in the Dominican Republic, and the San José de Ocoa programme for the elimination of child labour in the coffee industry.

198. Microloans of 44,500 pesos have been made available to families whose children or adolescents work. A total of 6,500 youngsters have benefited, and it is hoped that 1,000 of those under the age of 15 will be removed from their jobs and put into formal education; 300 families will benefit from the loans and, most importantly, 2,600 children at high risk.

199. The Azua programme covers the municipalities of Azua de Compostela, Pueblo Viejo, Sabana Yegua and Tabará Arriba. It receives funding of \$865,411 from the United States of America, donated by the United States Department of Labor, channelled through IPEC, with the Government of the Dominican Republic contributing \$205,900. For the Constanza programme an investment of \$415,518 by the United States Department of Labor is planned, channelled through IPEC, with the Government of the Dominican Republic contributing \$170,000. The San José de Ocoa programme receives \$354,306 from the United States Department of Labor, channelled through IPEC, with the Government of the Dominican Republic contributing \$191,132.51.

200. These funds are also used for the following programmes:

- (a) Programme to prevent adolescents entering the labour market too soon;
- (b) Programme to expand vocational training in order to ensure that adolescents are trained before entering the labour market.

201. The aims are as follows: 3,000 children of school age will be enrolled in school and will benefit from protection measures (grants and health services); 5,122 children under the age of 6 (75 per cent of the population) will be integrated in community early education centres; and 1,027 working children under the age of 14 will be removed from employment and offered educational alternatives (remedial courses, formal education and pre-vocational training).

202. In Constanza, Azua and San José de Ocoa, adolescents between the ages of 14 and 18 are to be given the option of participating in technical education, which will be coordinated with the National Institute of Technical and Vocational Training (INFOTEP). Also, 700 young persons between the ages of 14 and 18, employed in the worst forms of child labour, are to be enrolled on technical and vocational courses. Similarly, 3,000 families are expected to take part in the programme for savings and/or income generation and/or technical vocational training.

203. Programme to monitor implementation of the ban on employment of children under the age of 14, and application of measures for the readmission of young workers into the education system.

204. As part of the Azua programme 867 young people signed up for 48 after-school study workshops. In Constanza 642 children and adolescents took part in the project, 325 of whom joined after-school study workshops and were provided with 1,285 items of school equipment. In San José de Ocoa 2,036 children and adolescents were removed from jobs and 762 children enrolled in 55 after-school study workshops.

205. The ILO, through IPEC, supports the efforts of the Dominican Republic with the implementation of programmes and projects that have a proven impact. In particular, it has supported 11 sector-based programmes in different areas of the country, to remove children and adolescents from the worst forms of child labour.

(a) Programmes in high-risk agricultural sectors in Constanza (vegetables), San Juan de la Maguana (beans), San José de Ocoa (coffee), Azua (tomatoes) and the provinces of Duarte and María Trinidad Sánchez (rice);

(b) Programmes to prevent and eliminate commercial sexual exploitation of children and adolescents in the municipalities of Boca Chica, Sosúa and Las Terrenas;

(c) Programmes to prevent and eliminate the worst forms of child labour on sugar cane plantations (*bateyes*) (Barahona, San Pedro de Macorís);

(d) Programmes to prevent and eliminate the employment of children as domestic staff in other people's homes in Santiago, Villa Altagracia and Santo Domingo;

(e) Programmes to prevent and eliminate urban child labour in Santo Domingo.

206. These programmes, implemented by a range of civil-society actors, were designed in order to develop action models that could be replicated at national level to eliminate child labour in these and other worse forms of child labour that have been identified.

2. Programmes for early childcare services

Directorate of Early Childcare Services (DAPI)

207. Between 2000 and 2004 a total of 9,657 children moved up from early childcare centres to primary schools to continue their education. In addition 1,659 follow-up visits were made to check on their learning, behaviour and health, and their continued attendance at the schools.

208. Also 185 Child Development Centres (CEDI), currently operating in family format, were opened for children aged between 3 months and 2 years in different communities in the National District. These centres have benefited 3,330 children (1,585 boys and 1,745 girls), as well as 3,363 families and 10,900 persons from the communities who provided their services to the centres.

209. The comprehensive services the children receive include: early stimulation, care and bio/psycho-social development. All these programmes base their services on a systemic operational model that involves the family, the community and the school and guarantees the availability of multidisciplinary staff ideal for early childcare.

210. The areas of work of nursery education, psychology, social work, health and nutrition were improved in order to enhance the efficiency and effectiveness of services.

3. Education support programmes

211. The following programmes are worth mentioning:

(a) The Food Programme (School Lunch), which covers 100 per cent of pupils in primary education, provides more than 1,650,000 daily school lunches nationwide;

(b) The Programme for Early Care for Children with Special Educational Needs, designed to provide early care for children under the age of 6 with special educational needs through inter-agency coordination and collaboration, carried out various activities and is currently working with nine centres at district level and three classes for the provision of early care at national level (at implementation phase);

(c) The Programme for Training and Employment, designed to guarantee access to productive and continued employment for young people with disabilities, carried out various activities and is currently being implemented in eight national special education schools, with coverage extending to approximately 150 disabled adolescents;

(d) The Programme for Reorganizing Special Education Centres, designed to improve the services and extend the coverage of special education centres, carried out various activities. It has national coverage through official (5), semi-official (12) and private (32) special education centres;

(e) The Inclusive Education Programme, designed to guarantee that children with special education needs have access to - and stay in - primary education, is currently implemented in 17 centres nationwide, with approximately 20,000 pupils enrolled. Three support centres have also been set up to address the issue of diversity, in the National District and Santiago;

(f) The New Technologies Programme, designed to encourage teachers to make proper use of new technologies in teaching children with disabilities, is implemented nationwide in special education centres and has carried out various activities;

(g) The “Dissimilar” Projects programme, designed to work through the curriculum using alternative music, is being developed in five special schools in the country;

(h) The Programme for Acknowledging Student Merit, established and regulated by Departmental Order No. 97-66 of the Ministry of Education, is targeted at pupils at education centres in the formal sector and at private schools, with the aim of promoting all-round training, academic excellence and the development of talent in various areas of knowledge. Evaluation of the programme has shown its main achievements to include: greater motivation of pupils to study and improve; increased levels of satisfaction resulting from improved performance, and the higher level of personal and social development achieved by pupils.

212. Awards were granted to 651,048 pupils in primary and secondary public and private schools. These included pupils who achieved the highest levels of excellence and were awarded study grants for higher education at various universities in the country.

213. The Orientation and Psychology Department carries out activities designed to promote the all-round development of pupils. One of these activities is the Programme of Prevention and Protection for children and adolescents. This programme is aimed at providing education in values, rights of the child, and affective sex education, designed to ensure that children and adolescents are able to protect themselves and handle situations involving different types of abuse.

(a) The programme for Affective Sex Education, coordinated with the Presidential AIDS Council (COPRESIDA), includes the following thematic modules: prevention of violence within the family, prevention of abuse, and the prevention of teenage pregnancies. Under this programme 26,018 teachers were trained, including 10,300 secondary school teachers, representing 92 per cent of all teachers and directors of the 17 regional education departments;

(b) The programme for the Prevention and Elimination of Child Labour, carried out with the support of the Ministry of Labour, organized meetings in 16 regional education departments to sensitize and increase the awareness of 1,600 primary-education principals, counsellors and psychologists concerning this issue;

(c) The programme for the Prevention of Abuse and Commercial Sexual Exploitation, carried out with the support of UNICEF, provided training for 988 teachers, counsellors and psychologists from the communities of San Pedro de Macorís, El Factor, Nagua, Pedernales, Jimaní, Barahona, Pedro Santana, Bánica and Boca Chica;

(d) The School Protection Programme provided training for 375 school police units, through 12 workshops, in teaching techniques, effective communication and affective sex education, in order to enable them to provide a service adapted to the needs of the education centres in which they work. Altogether 185 families have been provided with personalized and individual counselling, benefiting pupils as well as their parents and tutors, and helping children, adolescents and young persons to remain in education.

(e) The multiphase Programme for the Modernization of Secondary Education was designed to improve the efficiency of, and modernize, secondary education in order to respond to today's needs. Its main objectives include risk prevention for adolescents and young people in secondary education, who spread the message on issues such as prevention of teenage pregnancies, AIDS, toxic substances and violence.

(f) The multiphase Programme for Equality in Primary Education is designed to improve primary education, through various components especially structured to improve the quality of education management in marginal and rural urban sectors. Its objectives are to improve the educational performance of pupils in the rural sector; to improve the educational performance of pupils in the marginal urban sector; and to promote initiatives to be developed within the strategic education plan.

214. Components of the programme include: multigrade rural education; renewed multigrade school (EMI); and greater educational equality in marginal urban areas through the education quality support project (PALE).

4. Education in gender and development

215. The Ministry of Education, through the Department of Education in Gender and Development, promotes the incorporation of the gender perspective in education policies by means of curricular strategies and related activities as transversal principles aimed at guaranteeing a quality education on the basis of equity; 43 training workshops held.

216. In the area of prevention of social risks: programmes for training in values; prevention of violence, drugs, teenage pregnancies, HIV/AIDS and sexually transmitted infections; and also strengthening of the school counselling service; 64 workshops held.

217. At present in State primary and secondary schools the Department of Counselling and Psychology is applying a "Risk prevention system" aimed at combating social problems such as violence, delinquency, use of toxic substances and unwanted pregnancies. To this end the Department has trained 2,193 secondary teachers, counsellors and psychologists in the San Francisco, Puerto Plata, Nagua, Cotuí and Monte Plata regions.

218. In the area of evaluation of student performance, 23 diagnostic evaluations have been conducted through fourth-grade tests on completion of primary and secondary levels.

219. In the context of the Compumaestros programme, over 20,000 computers have been made available to teachers throughout the country.

220. Under the Las Mochilas programme, 150,000 needy children all over the country have been given satchels containing items they need in schools.

221. An educational forum has been held as part of a substantial effort aimed at mobilizing Dominican society to improve teaching around the country.

222. The Ministry has purchased 3,138,790 textbooks for the preschool, primary, secondary and adult levels.

223. In the area of counselling and psychology, a “Risk prevention system” is being implemented with the aim of combating social problems in schools.

224. The preschool, primary, secondary and adult training programme has comprised a total of 143 workshops and conferences attended by 18,773 teachers.

225. The Ministry has also implemented the access and retention programme aimed at preschool children from the age of 3 and the retention programme aimed at primary children aged between 6 and 11. The objective is to ensure the integration and retention of boys and girls aged 3 or 4 in quality education, and to preserve access to the pre-primary level with the greatest chances of success.

226. The activities developed have included the “Characteristics and commitments of the communities”, training of female teachers in various provinces, purchase of furniture, teaching materials and consumables for the Community Children’s Homes, the monitoring system to ensure that furniture and materials reach their proper destinations, and the teacher monitoring system in the regions.

227. This programme has covered 720 communities in the regions of Nagua, Contuí, San Francisco de Macorís, La Vega and Mao at a cost of 283,060.00 Dominican pesos, and about 720 women teachers at a cost of 1,130,387.45 pesos; in addition about 2,345 local teachers have received training. Although information on the impact of the latter activities is not available, the estimated investment was 620,240 pesos. In addition, 705 women teachers were monitored at a cost of 43,690 pesos. Financing is derived from loans provided by the World Bank (Social Sector Reform Programme) and regular funds within the Ministry of Education’s budget.

228. The objective is to ensure the access and retention of boys and girls in quality education, which will promote the training of individuals with a personal, social and cultural identity who will develop their knowledge in the areas of communication, science, art and technology.

229. With this aim the following programmes were organized: the First and Second Grade Primary School Programme to improve the quality of teaching of the written language and mathematics; the diploma in teaching of written language and mathematics in the first cycle of primary education, intended for 225 first and fourth-grade teachers in the southern zone, with the aim of benefiting some 10,000 pupils in State schools; and the first workshop for coordinators, Internet-users and teachers for the diploma of the Urania Montás Higher Teacher Training Institute. In addition, the course on specialization in the teaching and learning of reading and mathematics was initiated in the Santo Domingo Technological Institute and was attended by 40 men and women technicians at the regional and central levels. Under an international plan a total of 1.7 million pesos was contributed for the development of these projects.

5. Information and counselling programmes on professional and vocational training for all adolescents

230. The aim is to ensure access to, and retention in, productive work for young people with disabilities; 42 have benefited from these programmes.

231. The buildings housing the Ministry of Education's Department of Technical and Vocational Education have been constructed and/or refurbished. Further activities include: appropriate infrastructure work on the pilot centres for the reception of equipment; study on "training needs in the labour market", with the participation of other entities involved in technical and vocational training; training of personnel in preventive maintenance, gastronomy and cooking, logistics and storage, and teaching methods based on competence. These investments and activities were focused on the student population, and on the teachers and directors of polytechnics, including both those selected as pilot centres and others. These activities also benefited the technical commissions in the four faculties, and the Directorate-General for Technical and Vocational Education itself.

232. This programme is being implemented at a total cost of 15,380,000 euros, of which 13,250,000 euros (86.15 per cent) is derived from a grant from the European Development Funds, the remaining 2,130,000 euros (13.85 per cent) being a national counterpart contribution. In 2003, a total of approximately 350 million pesos were allocated to the programme.

6. Programmes in the areas of culture, recreation and sport

233. The Ministry of Sport, Physical Education and Recreation has made a significant contribution to the implementation of policies aimed at preventing school dropout and has established a department with special policies geared to this end.

234. Under an agreement with the Ministry of Education, the Ministry of Sport has set up the school sports programme, based on different sports and not implemented as part of the curriculum; the programme is aimed at promoting education and leisure, and increasing cultural activities for children; it is implemented with due regard for the age and physical and mental development of the children concerned.

Sports for all and recreation

235. This programme has been carried out all over the country, and includes the following projects:

- (a) Public gymnasiums for persons interested in weightlifting and exercises involving strength;
- (b) Festivals for older adults;
- (c) Adapted sports tournaments;
- (d) Recreational festivals;
- (e) Summer camps;
- (f) Beach camps;
- (g) Cultural competitions (painting, singing, literature);
- (h) Training of community leaders in recreation and sports for all;

- (i) Non-conventional sports competition (recreational hockey, football, etc.);
- (j) Workshops for the construction of recreational implements with environmental resources;
- (k) Sports for all festival;
- (l) Recreation and leisure centre;
- (m) Cultural recreation forum.

Physical education and recreation for children with disabilities

236. The Special Olympics programme provides sports training for children and adolescents with mental disabilities, and enables the country to participate every four years in the Special Olympics World Games by sending national delegations in the various disciplines. The goal of these Olympics is to ensure that all persons with mental disabilities are accepted and respected by society and thereby become useful and productive citizens.

7. Programme of support for families with children suffering from severe disabilities

237. In 2005, the National Council for Children and Adolescents (CONANI) opened its Angels' Home for children with disabilities. At present this home cares for over 250 children with severe disabilities from needy families. These children benefit from services in such areas as cardiology, dentistry; nutrition and psychiatrics.

238. Developments in the care of disabled children and adolescents include the following:

- (a) Thirty-eight special education centres operating around the country, including 19 State-run centres, which can only care for a small number of students with disabilities;
- (b) Establishment of Model Initial Education Centres and Initial Education Centres;
- (c) Project for the establishment of early-care centres;
- (d) DISIMILIS project, comprising musical education for children and adolescents with disabilities;
- (e) Programme for the educational integration and inclusion of children with visual disabilities;
- (f) Initiation of "inclusive education" in the frontier region;
- (g) Training of four university-level technicians to deal with diversity;
- (h) Through national projects, in 2004 the first diploma in new technologies applied to special education was awarded;

(i) International projects: project for the strengthening of special education and care for disability (with the support of Spanish cooperation); “inclusive schools” project in the frontier region (with UNESCO support);

(j) In addition to the official programmes for children, there are other special education programmes, such as the rehabilitation centre providing care for some 1,000 children a year in Santo Domingo, San Cristóbal and Santiago. The Santa Rosa Institute for the Deaf provides primary education for some 500 children every year; it also promotes the integration of deaf pupils in ordinary schools (60 children and adolescents in 2004). The experimental alternative centre for the deaf cares for 102 pupils on average. Other special education institutions dealing with mental disabilities are the Down’s syndrome Association, with an average of 130 pupils, and the Special Education Institute, which cares for about 60 children;

(k) There are programmes for the supply of primary school textbooks and literary works in Braille for visually impaired children and adolescents;

(l) Culture for the Blind Unit set up within the National Library.

239. All these initiatives have been accompanied by training activities to implement the new activities.

240. Employment of teenagers with disabilities: with the aim of gradually introducing teenagers with disabilities into the world of work and their transition to adult life, the following projects, inter alia, are being implemented:

(a) Training and employment at six special education centres run by the Ministry of Public Health;

(b) Vocational rehabilitation programme run by the Dominican Rehabilitation Association;

(c) Employment programme run by the Santa Rosa de Lima Institute for the Deaf;

(d) Employment programme run by the Experimental Alternative Centre for the Deaf.

Legal assistance

241. In the area of legal matters, efforts are being made through the Council to provide personal identity documents for children and adolescents suffering from disability and poverty, whose families did not register them at birth, thereby cutting them off from available services and social assistance.

Access to health services

242. As regards health matters relating to children and adolescents, great strides have been made but there is still a need for those with more serious disabilities, such as severe mental disabilities, autism and cerebral palsy, to receive better and appropriate care in all areas of human development.

243. It should be emphasized that many services are being provided through the efforts of non-governmental institutions, which are implementing programmes for this population group, such as the community-based rehabilitation strategy.

244. In the public sector, 11 physical medicine and rehabilitation services are operating in establishments run by the Ministry of Public Health and Social Assistance, which care for the needs of the general public, including children and adolescents. Through the maternal and child health programme, the disability early-detection programme is being developed in the Ministry's main maternity clinics.

245. The Dominican Rehabilitation Association (ADR) cares for 16,428 children on average each year, providing services in the areas of physiotherapy, psychiatrics, orthopaedics, neurology, paediatrics, speech therapy, learning therapy and early stimulation, through 17 branches around the country.

246. The Cibao Rehabilitation Association cares for an annual average of 500 children, providing speech therapy, psychology, physiotherapy and other services.

247. The Dominican Autism Foundation cares for about 200 children every year, offering assessment services, outpatient therapy sessions, speech therapy, behaviour modification, psycho-learning and early stimulation programme, etc.

248. The Dominican Down's Syndrome Association offers assessment services, neurological organization and speech therapy, special education, community development services, etc. It cares for an average resident population of 95 children and teenagers, and provides outpatient care for 546 more children and adolescents.

249. Community-based rehabilitation is a strategy comprising decentralization of rehabilitation services, whose objective is to reduce the impact of disability through early detection, promoting the integration of persons with disabilities and their relatives in the community, and the widening of rehabilitation coverage, as a component of primary health care in marginal rural, suburban and urban areas. In connection with this strategy, which is having a great impact on action to deal with disability, the Dominican State has not become involved as such, but initiatives are being developed through non-governmental institutions such as the ADR, which has provided care for 683 people with disabilities.

250. The Santa Rosa de Lima Institute for the Deaf cares for 132 children, training families to support the rehabilitation of their deaf children. The Dominican Childcare Centre records 1,008 children as having been provided with care to date and has trained 200 teachers in home education methods.

Training of personnel caring for disability

251. There is only one physical medicine and rehabilitation clinic in the country, as well as a technical course and diploma in physiotherapy and occupational therapy. The Inter-American University offers regular technical courses in the area of special education. The Catholic

University offers a diploma in psychiatrics. In the State sector the Technical Training Institute runs the speech therapy programme. The Institute for the Deaf and the National School for Deaf-Mutes has trained an average of about 150 sign-language teachers for the deaf.

252. We do not have information on the number of specialists providing services in this field. However, we can give some data on institutions which are members of the CONADIS (National Council on Disabilities) national directorate. In the State sector there are 35 psychiatrists and 45 physiotherapists providing services to the general public, including children and adolescents.

253. Within the ADR, 317 specialists (doctors, psychiatrists, therapists, teachers, etc.) are working at the national level. The Dominican Down's Syndrome Association has 14 teachers, 13 doctors and nutritionists, 8 psychologists and 18 therapists.

Disability awareness and prevention campaigns

254. In this area it has not been possible to identify activities geared specifically towards children with disabilities with the aim of shielding them from social discrimination.

255. In the field of prevention, the Ministry of Education in 2004 developed an information and awareness campaign addressed to the community as a whole, with the aim of fostering attitudes of acceptance, respect and appreciation of diversity.

256. There have also been a number of campaigns aimed at the general public which indirectly influence the child population, such as the two campaigns developed by the ADR on social awareness and discrimination in the workplace.

257. The last quarter of 2006 saw the start of two publicity campaigns to increase public awareness of the subject of children and disability. One was sponsored by CONANI and the other by CONADIS.

8. Programme in the area of HIV/AIDS executed by COPRESIDA and other institutions

258. In addition to contributions from funds provided for in the Revenue Budget and the Public Expenditure Act, the Presidential Council on AIDS (COPRESIDA) is currently implementing at the national level the HIV/AIDS prevention and control project and the national response to HIV/AIDS project. These have been financed by a loan from the World Bank and a grant from the Global Fund to Combat AIDS, Tuberculosis and Malaria as from 2001 and 2004 respectively.

259. As part of efforts to prevent epidemics among the child population, priority has been given to strengthening the National Programme for the Reduction of Vertical Transmission (PNRTV), which consists in preventing children of seropositive mothers from being born positive by providing the mother with antiretroviral drugs and continuing follow-up.

260. During the period January 2003 to June 2005, the maternal and child health centres run by the Ministry of Public Health and Social Assistance (SESPAS) provided care for 280,409 mothers (pregnant women attending a health centre run by SESPAS for the first time). Under the PNRTV programme, 152,842 of these women were HIV-tested and 82,233 were given post-test counselling. During the same period, 3,130 mothers were found to be HIV seropositive; 1,297 women prior to birth and 1,402 children were given antiretroviral drugs. The programme is at present receiving support from the Elizabeth Foundation.

261. Glaser is working with the National Research Centre for Mother and Child Health (CENISMI) in applying an intervention model in several maternal and child health centres, and very good results have been achieved. On the basis of these experiences, the PNRTV will shortly be reviewed with the aim of widening its coverage and improving its effectiveness.

262. The comprehensive care strategy for seropositive children is available in 18 clinics around the country, and the programme is currently being expanded. Of these clinics, 3 devote their efforts solely to children, of whom 170 had been treated with antiretroviral drugs as of June 2005.

263. In 2006, a number of programmes were implemented in the framework of the initiation of national policies for the protection of orphaned and vulnerable children and adolescents against HIV/AIDS.

9. Programme to combat commercial sexual exploitation

Inter-Agency Commission

National level

264. Activities have included the media campaign, comprising television advertisements, hoardings, posters, etc., currently being displayed in our country. This strategy is receiving support from ILO's International Programme for the Elimination of Child Labour (IPEC) and financing from the United States Department of Labor.

265. The participation of the private sector in the prevention of the commercial sexual exploitation of children and adolescents has boosted the activities promoted by the Inter-Agency Commission. In this connection, attention should be drawn to the formulation and implementation of the Dominican Code of Conduct for the Hotel Sector aimed at combating the commercial sexual exploitation of children and adolescents - an initiative taken by the National Association of Hotels and Restaurants.

266. Equally important has been the training of people working in the tourist industry through the implementation of the module "Role of the tourist sector in the prevention of abuse and commercial sexual exploitation of children and adolescents", designed on the basis of material produced by the World Tourism Organization in order to train personnel in the tourism industry in numerous countries. As of December 2003 training had been provided for 140 representatives of the three main tourist areas in the country (Boca Chica, Bayahibe/La Romana and Puerto Plata).

267. Another example of the participation of the business sector in efforts to deal with this problem is the support provided for the national campaign against the commercial sexual exploitation of children and adolescents by Burger King restaurants around the country, and also the inclusion of television advertisements in Palacio del Cine cinemas.

268. Another prominent national initiative has been the display in Dr. José Francisco Peña Gómez International Airport of the Americas of a notice listing the penalties established by Dominican laws for the criminal offence of the commercial sexual exploitation of children or adolescents.

269. In the area of training, several seminars and workshops have been held. Mention may be made of the following: training of media experts in conjunction with IPEC on the basis of successful experiences in other countries such as Costa Rica; diploma course on the rights of the child and prevention of abuse and commercial sexual exploitation in three regions of the country, on the basis of coordination with three universities. These courses have led to the graduation as outreach instructors of 120 community leaders, who have in turn trained over 1,500 people in their communities of origin.

270. Another prominent activity in this area has been the strengthening of families and the participation of young people through awareness and training programmes to improve child-rearing standards and the commitment to protecting the rights of the child.

Municipal level

271. With the participation of the Ministry of Education and UNICEF and ILO support, ongoing training programmes are organized for male and female teachers, families and young people in the Child-Friendly Municipalities, which are situated in poverty-stricken and/or tourist areas, where networks have been set up to promote the early detection and prevention of abuse and commercial sexual exploitation.

272. With financing from the United States Department of Labor, through IPEC and in conjunction with the Ministry of Labour, the programme entitled "Comprehensive response to the commercial sexual exploitation of minors" is being implemented in the town of Boca Chica by the Family Institute.

273. The objective of this project is to contribute to the prevention and eradication of the commercial sexual exploitation of minors in this tourist area, using a systemic approach, which strengthens the role of the family and uses the potential of the resources and capacity installed in the community. Its components include strengthening of institutions, the setting-up of a local network to facilitate the detection, reporting and referral of cases, and direct care and prevention activities, in the natural context of the child as a means of achieving his/her positive reintegration in the family, school and community.

274. A second project, also supported by IPEC and whose characteristics and scope are similar to those of the foregoing project, was recently initiated in the municipality of Sosúa, Puerto Plata, identified as an area with a high incidence of this problem, given its tourist

character. This programme, implemented by the MAIS-ECPAT project, involves the main community leaders and organizations in the area, supplementing the objectives of rehabilitation and prevention with vocational-technical training strategies.

275. The main achievements had been as follows:

(a) Establishment of the Inter-Agency Commission for the prevention of commercial sexual exploitation in order to coordinate activities between governmental and non-governmental organizations;

(b) Establishment of the Directorate General of the Judicial Police specialized in children and adolescents;

(c) Qualitative research on internal and external aspects of police practice regarding the rights of children and adolescents, police legislation and public facilities for denouncing abuses in police practice;

(d) Curricular reform in police training centres;

(e) Design and implementation of a police training course on the subject of children and adolescents (organized by the National Police Headquarters, with the support of UNICEF and CONANI, to train 1,200 police officials on the subject of children's rights and the prevention of sexual exploitation);

(f) Dissemination, training and awareness workshops.

10. Programme for the care of street children

276. The Dominican Republic does not have any policy specifically designed for street children. Nevertheless, it has been taking a series of measures which should in the short term ensure the formulation and implementation of a policy specifically designed for this sector. This includes both governmental and non-governmental programmes and initiatives:

“The Government of the Dominican Republic, civil society and international organizations have undertaken various measures to alleviate the harmful effects on children of living in the streets. Many of these efforts, however, have failed to improve the quality of life or the opportunities available for vulnerable children; the number of children living in the streets of the Dominican Republic continues to be considerable. The year 2000 marked the end of almost a decade of economic growth in the Republic and the *Consortio Nina* organizations (which includes *Niños del Camino*, *Caminante Proyecto Educativo*, *Programa Yo También*, *Acción Callejera*, *Quédate con Nosotros*) report that the demand for their services has increased dramatically since the country experienced an economic crisis halfway through 2003.” (Taken from the profile of the project on “vulnerable and displaced children” who live and/or work in the streets, and on sexually and/or commercially exploited street children of the Catholic Relief Services (CRS), run in conjunction with five national NGOs.)

Table

Main programmes currently operating for the benefit of street children

Programme	Activities
<p>Directorate-General of the armed forces providing shelter and accommodation for the social re-education of children and adolescents. DIGFARCIN was set up under Decree No. 446-03 with a view to providing support for the National System for the Protection of Children and Adolescents. It conducts a series of residential and non-residential activities, which are part of a general programme for the rehabilitation of children who have been abused, ill-treated or abandoned (street children).</p>	<p>DIGFARCIN runs a centre known as <i>Ciudadela Libertador de Nazaret</i> in Santiago, in the hinterland, which is currently caring for 32 adolescents. It also runs a centre for girls called <i>Albergue Virgen de la Altagracia</i> in Barahona. It runs the work centre <i>San Miguel</i> in Boca Chica, which has looked after 439 adolescents. Alongside these residential centres non-residential activities are conducted in different parts of the National District.</p>
<p>The <i>Yo También</i> programme offers shelter, accommodation, meals and educational and recreational activities for youths working or living in the streets of Santo Domingo. The aim of the programme is to encourage children to leave the streets and to try to settle in a proper family setting.</p>	<p><i>Yo También</i> offers shelter and organizes community events in San Carlos, in the town of Santo Domingo.</p>
<p><i>Acción Callejera</i> concentrates its activities on street children between the ages of 7 and 14, providing educational support, arts courses, recreational activities, rehabilitation of self-esteem and legal support for documentation purposes.</p>	<p><i>Acción Callejera</i> is to conduct activities in Hato del Yaque, a very large deprived area in the town of Santiago.</p>
<p><i>Quédate con Nosotros</i> offers shelter and temporary accommodation, as well as personal development and social integration services, for children in Santo Domingo between the ages of 8 and 13 who have been living in the streets for less than six months.</p>	<p><i>Quédate con Nosotros</i> offers shelter and vocational training courses in María Auxiliadora, a community which tends to send children onto the streets.</p>
<p><i>Caminante Proyecto Educativo</i> works with street children in the tourist village of Boca Chica, offering: (1) technical and vocational training; (2) political action for the defence, dignity and rights of mothers and children; (3) preventive methodologies for improving the standards of physical and mental health of children; (4) recreational activities; (5) better access to formal education and assistance for children; and (6) educational programmes encouraging family and community integration.</p>	<p><i>Caminante Proyecto Educativo</i> is based in Boca Chica and works with the communities of Bellavista, Monte Adentro and Los Coquitos, because displaced children often originate in these communities.</p>
<p><i>Niños des Camino</i> promotes the social integration of vulnerable/displaced children, raises public awareness of the situation of these children and advocates public policies to protect children's rights. The programme offers non-residential services to children throughout the displacement cycle, starting with the first night children spend in the streets until resettlement in the family</p>	<p><i>Niños des Camino</i> offers non-residential services in many parts of Santo Domingo, including the neighbourhoods of 27 de Febrero, Guachupita, Los Guandules, Los Alcarrizos and La Ciénaga. The programme also offers care to children in the streets of El Conde and Malecón.</p>

277. Most of these programmes receive government aid in the form of funding (through monthly subsidies) or through the transfer or payment of professional staff assigned to the programmes (including doctors, teachers, psychologists, social workers and educators).

278. *Niños del Camino* normally offers services to 95 children in the course of any one year. Since January 2004 some 66 new children living in the streets have received services, in addition to other children who have been assisted on an ongoing basis since 2003. Also *Acción Callejera*, which normally provides care in any one year for approximately 250 children working on the streets, has reported dealing with 107 new intakes since January 2004, in addition to those in receipt of care since 2003.

11. Programmes in the area of health

Programme for the supply and use of vaccines

279. The programme is designed to strengthen managerial, technical and administrative structures and to prepare all sectors of the programme to conduct immunization campaigns. The aim is to raise and maintain quality coverage and to control, eliminate and eradicate vaccine-preventable diseases in accordance with the Expanded Programme of Immunization (EPI) across the country, in order to eradicate polio, measles and German measles. The project is also introducing a new EPI vaccine against meningitis in its combined PENTA (DPTW/HB/Hib) form due to the high morbidity and mortality rates among children.

280. These vaccination programmes are chiefly targeted at children and adolescents living in areas or municipalities considered to be at high risk in the country.

281. While overall priority is given to children, it is recommended that a special vaccination programme should be introduced for adolescents to combat hepatitis B. Some of the limitations encountered by the programme are due to the mobility problems of vaccination brigades and mobile teams on account of the high cost of transport, which reduces the effectiveness of the assistance provided to the communities. The programme is being implemented throughout the country.

282. The degree of coverage achieved with the vaccination campaign conducted from 23 to 25 April 2004 was as high as 90 per cent of children aged between 0 and 5 across the country, which meant a total of more than 1 million children immunized, in fulfilment of the target laid down by the Health Ministry.

Programme of prevention and health rehabilitation promotion services

283. The Health Ministry's 2000 Plan of Action to provide full care to the disabled is aimed at preventing and rehabilitating disability by implementing primary care measures to deal with physical, psychiatric, sensory and intellectual deficiencies, and undertaking secondary prevention in order to prevent any aggravation of the functional degeneration condition suffered by patients under observation.

284. The limitations of the programme reportedly include an insufficient guarantee of timely and equitable access to rehabilitation for disabled persons, the shortage of staff meeting the

required standards or possessing a comprehensive approach to health care, and the insufficient capacity of the coordinating unit to fulfil the functions of coordination, supervision, standardization and formulation of policies required by the programme. In addition, disabled persons and their relatives are little involved in the rehabilitation process and there are not enough official statistics in the country regarding the child, adolescent and adult population suffering from some type of disability. Little use is made of the abilities and potential of disabled persons. The services provided in rural and peripheral urban areas to disabled persons are scarce and they are not protected by a legal framework of regulations. One effect of the lack of statistics referred to above implies that insufficient data are available regarding the child population in this respect.

Free dental services, information and education programme

285. The oral rehabilitation programme is aimed at improving oral hygiene among the population of mothers and children in the Dominican Republic. The programme is based on the following principles: generation and dissemination of knowledge, promotion of oral health, development of mass prevention campaigns, special care for priority groups and the development of human dentistry resources. The programme provides free care, with priority for children and expectant adolescents. Promotion and prevention activities include the design and development of educational materials, the preparation and dissemination of educational spot broadcasts, the organization of educational discussion groups, a programme for the acquisition and distribution of oral hygiene kits for schoolchildren, 0.2 per cent fluorinated mouthwashes, fortnightly, mobilization of resources for supervised daily toothbrushing, and institutional coordination for the promotion of salt fluoridation.

286. According to the results achieved by the promotion and prevention measures implemented, the coverage achieved with supervised toothbrushing was 420,304 children; for educational discussion groups, 450,000; for the 0.2 per cent fluorine mouthwashes, 725,000; for the distribution of oral hygiene kits, 121,376; for consultations 3,945,203 (compared with the previous figure of 1,230,334); for dental treatment 9,891,948 (compared with an earlier figure of 1,796,287); and for registered patients 691,360 (compared with 131,176 under the previous programme).

Programmes of contacts with parents and persons responsible concerning medical examinations

287. Prevention programmes are being conducted in schools for the dissemination of sodium fluoride mouthwashes, through educational discussion groups and sessions of supervised toothbrushing (at which children brush their teeth under the supervision of dental experts, teachers and parents' associations). This programme began in 2001 and continued in 2002, achieving a coverage of 800,000 children.

Health-care programmes during pregnancy

288. The following activities are conducted as part of the national programme for women's care:

Prenatal care aimed at reducing morbidity and mortality in childbirth, with an emphasis on quality. Programmed activities include clinical examinations, uterine height measurements, Papanicolau smear tests, breast examinations, obstetric examinations, weight and height measurements, oral examinations, laboratory tests, folic acid tests and immunization against tetanus.

Childbirth, puerperium and family planning

Cervical and mammarian cancer prevention

289. Thanks to the impact produced by these programmes, mortality and morbidity have been reduced to 68 per 100,000 live births. The results have been very positive.

Programme for mother-child bond guidance and protection

290. Acceptance programmes are conducted including different activities such as: counselling, talks about personal and child self-care, integrating male partners as part of the couple, and varied consultations (differing from centre to centre). The general aim of the programme is to care for adolescents comprehensively and to promote their development as useful components of society. With regard to the impact produced, adolescents are now receiving better assistance, which has given rise to a greater demand for services and a need for better guidance. Limitations include a shortage of resources and insufficient support in terms of medicines.

Family planning programme

291. For this programme, which is intended both for adolescents and for adults, the activities conducted include: advice on breastfeeding, the use of protective methods, the choice of methods with related advantages and disadvantages, and the benefits of a longer period allowed after pregnancy to provide better care for the children. In terms of impact, family planning may be useful from the point of view of academic preparation. Recommendations regarding the programme focus on its expansion, since there is the possibility of achieving 100 per cent coverage of the population.

Programme on sexual and preventive health

292. The aim of this programme is to teach adolescents how to look after themselves in order to avoid sexually transmitted diseases, with talks on sexual development, educational material, and waiting rooms equipped with video in various centres in order to achieve improved knowledge of sexual matters among both men and women. In terms of coverage these activities are offered by all the units. Recommendations focus on the need to expand the programme in order to cover all marginal communities, schools and rural areas.

12. Comprehensive Preventive Education Programme

293. The Comprehensive Preventive Education Programme (PRODEPI) aims to achieve prevention through education to improve the quality of life of children and adolescents in the Dominican Republic. Its objectives include: introducing prevention of drug abuse in the country's educational centres; promoting the prevention of drug abuse in educational centres at

the pre-school, primary, secondary, and advanced levels; offering training for teaching and administrative staff of the educational community in the ability to conduct preventive activities; organizing guidance days for parents' associations in educational centres to make them aware of the role of the family in comprehensive prevention; and involving students in preventive activities in order to help train healthy, participative and critical individuals, able to assume their daily lives responsibly. PRODEPI runs a number of projects for the educational community (parents, friends, teachers and students), including its main activity, which is the Student Welfare Drug Prevention Service. This is one of the requirements laid down by the Ministry of Education for obtaining the school-leaving qualification.

294. PRODEPI aims to create awareness among the younger generations by involving them in the problems of present-day society and encouraging them to look for solutions. Apart from being a way of promoting solidarity and cooperation, it provides an alternative option for baccalaureate students to participate in the prevention of drug abuse. The programme *La Alegría de Crecer Sanos* (The joy of growing up healthy) targets children in pre-school and primary education. It attempts to inculcate the right attitudes to health and the prevention of drug consumption. The programme Prevention Alternatives for Teachers aims to provide training for directors, teachers and counsellors in educational centres throughout the country, in order to encourage joint action to reduce the consumption of drugs in schools.

13. Programmes to prevent the use of alcoholic substances and drug dependence

295. The Preventive Youth Council (COJUPRE) is a programme of the National Drugs Council (CND) that focuses on community work. COJUPRE aims to involve community organizations in problems of drug dependence with an emphasis on the community and community leaders as a key resource in preventive work. The aims of the programme are: to set up a programme of activities on drug abuse in the community through local community organizations; to train the leaders of community organizations to spread the message of drug abuse prevention; to convince community organizations to participate in drug abuse prevention programmes in their respective communities; to obtain the involvement of community members in drug prevention work through the leaders of community organizations; and developing activities to increase the human potential of children and adolescents.

296. A further objective of the programme is to improve the training of community organization leaders involved in the COJUPRE drug abuse prevention programme.

297. COJUPRE's activities are developed in two stages: two-part training of community organization leaders and the organization of activities directly involving the community. The first course of stage one is offered on three levels and is aimed at making community organization leaders aware of drug problems and drug abuse. The second course consists in setting up a human resources team in the community with suitable methodological and strategic training to conduct preventive action. This team of instructors will then be responsible for implementing activities planned for stage two. This stage will include workshops for parents and adolescents, a preventive forum and a comprehensive prevention circle, as well as public guidance in the prevention of drug abuse (for persons over 18 years of age).

14. Special care programmes for the rehabilitation of children and adolescents

298. **ASCAYD y la Fe** is a non-profit making organization with nationwide coverage that is active in drug and alcohol prevention at all levels (primary, secondary and tertiary prevention). The treatments it offers are non-residential, with the possibility of assistance to overcome depressions as well as family and marital problems. In 2001, 38 patients were admitted and 3 persons referred.

299. **Casa Abierta** is a prevention, treatment and rehabilitation centre, whose working method is based on an approach where the emphasis is placed on the central role of the community, acting through its organizations and representative groups. Casa Abierta's work deals with the three recognized levels of prevention: primary, secondary and tertiary. Its activities include prevention, treatment and rehabilitation.

300. **Círculo Juvenil de Prevención de Drogas (CIJUPD)** is a non-profit making institution independent of any political party or religious sect. Its main objective is to prevent drug consumption among children, adolescents and adults in the community in general. It organizes seminars, workshops, courses and other national and international events in the field of drug prevention. It is currently working on research on the occurrence of drug consumption among children and adolescents and on the use of sporting activities for prevention purposes. The organization is involved in first and second-level prevention work.

301. **Fundación Fénix** is a private non-profit making organization which aims to provide support to other social sectors in dealing with the problem of addictions in society, through activities such as information, education, research and quality services for treatment, rehabilitation and the social resettlement of those affected. It tends to adopt a clinical approach based on treating addiction as a sickness; the treatment it provides is non-residential. The programme carries out activities such as: psychological training with talks providing scientific information aimed at alleviating anxieties; relaxation and psycho-physical activities to improve self-esteem and develop plans of action; and solution-oriented therapy aimed at strengthening contact with reality through confrontation groups.

302. Other activities include Gestalt therapy, recreational therapies and origami. Personal therapies help to assimilate a broad range of accumulated knowledge. The programme also includes daily group therapy, video, discussions, emergency services, testimonies by recovering addicts, literature review, dance workshop, self-help groups and prevention of relapses, as well as post-care group therapy for former patients, who have already been socially and occupationally integrated, either to avoid or to detect any relapse. The programme also offers individual and group family therapy services, family well-being sessions and psycho-educational workshops (Al-Anon) every Saturday. In the year 2000, 47 patients were taken in, of whom 10 remained to the end. The equivalent of 32 per cent of the individuals dealt with achieved a successful recovery. Coverage extends to the National District.

303. **Hogar Crea Dominicano, Inc.** is a therapeutic community that was set up to offer treatment for drug dependence with residential and non-residential facilities. It works on prevention through talks, workshops and courses. It is equipped with a documentation and research centre and a computer unit. Coverage is both national and international. It runs 23 residences with a population of 830 residents and approximately 300 volunteers.

304. **Hogar Crea Internacional** is a re-education home for addicts of all kinds, offering treatment and prevention. It is a non-governmental non-profit-making association. Its activities offer international coverage of treatment and rehabilitation services. Its intake was 200 patients in 2000 and it now has 150 residents.

305. **Pastoral Juvenil** is run by the Catholic Church, under the authority of the Dominican Archbishop, for the purpose of providing education by working with young people. All its activities are educational and preventive. Its main programmes include: legal assistance, telephone guidance, HIV-AIDS prevention and drug prevention and others. A special programme *Yo También* is offered for street children. Its main activities include education, prevention, legal assistance and guidance. Coverage is national.

306. The Comprehensive Prevention Research and Training Centre runs inter-university programmes and social projects aimed at comprehensive prevention, which include research, training and community services designed to promote a comprehensive prevention culture. The centre covers the following programmes:

- (a) Research training for community action (PUCMM/UNDH);
- (b) Diagnosis research and preparation;
- (c) Community assistance;
- (d) Exchanges with the national and international scientific community;
- (e) Dissemination;
- (f) Family and adolescent therapy;
- (g) Youth leadership;
- (h) Using TV for prevention.

307. **Reto a la Juventud** deals with the treatment and rehabilitation of addicts on a residential basis. The institution specializes in the rescue, treatment and rehabilitation of persons suffering from addiction problems following a religious approach based on faith in Jesus Christ. In 2000, it took in a total of 58 patients and so far this year it has taken in 14 more. Its coverage is nationwide.

308. **El Mesón de Dios** offers non-residential care and is at present looking after 22 residential patients who are receiving treatment. Its approach is biophysical and psychological. It runs a relief centre with the same name. Its capacity and demand for care involves total internment and it is currently dealing with 25 patients. Its philosophical approach to treatment is moral and spiritual.

15. Programmes for the environmental education of children and adolescents

309. The Ministry of the Environment runs a series of activities for the special benefit of children and adolescents.

310. School clubs are set up with the aim on improving the environmental situation in schools. The activities involved include: workshops, use of videos, fairs, and membership pledges for children and adolescents who feel the need to belong to a club. The results achieved, based on a sensitive approach, have been positive. Programme coverage extends to children between the ages of 8 and 14, which is typically a time of anxiety. The neighbourhoods covered by the programme tend to be marginal, like the *Escuela Santa de Gualey*, the *Escuela de Cristo Rey* and the *Villas Agrícolas*. All services are free of charge. There are no exact figures regarding the percentage received from the national budget but it amounts to approximately 1 per cent.

311. The programme *Pintando de Colores la Naturaleza* is aimed at awakening a love of nature in children and adolescents. The programme's activities include painting, storytelling and prize competitions. Positive results include an interest in nature and a love of learning in children between the ages of 4 and 12. Twenty countries in the world take part, with funding provided by PAHO and UNDP.

312. The programme Memorable Dates for the Environment and Natural Resources aims to work hand in hand with civil society and all education-oriented institutions. It supports and engages in environmental education activities, with the aim of ensuring that the student population is aware of why those dates are being celebrated. Its activities include talks to colleges and schools. Its impact has produced mainly a greater sense of awareness. One of the limitations of the programme has been insufficient coordination with school principals with regard to the programme's activities.

313. The programme Teaching Environmental Values prepares teaching guides for environmental education which advocate the value of protecting the environment, while awakening an interest in a love and respect for nature and its conservation. The aim is to provide teachers with a working guide for practical activities with pupils. The programme's activities consist in supplying written material for preschool, primary and lower secondary education, as well as a guide on climate change for the same levels of education. The programme has worked hand in hand with teachers in different regions, achieving a considerable degree of acceptance and a sense of responsibility on the part of the latter.

314. The Youth Leaders for Peace training programme aims to promote initiatives, values and attitudes among young people in the country, in order to encourage them to identify with the problems of the environment and natural resources in their surroundings. It includes such topics as ecology, solid waste, contamination, water and sustainability. Training is offered using a participative and reflexive methodology through talks, group dynamics and moments of reflection in a mood conducive to an appreciation of nature. Material is prepared with support from the Technical Department of the Office of the First Lady.

315. The programme Exhibiting Pictures of Nature is aimed at offering children and adolescents an opportunity to see positive images of the environment and what can happen if it is not protected. The programme is included for all students. It is carried out in the assembly room and teachers' works are exhibited in the educational establishment. The results produced have been positive. The transport of materials has been hampered by the shortage of vehicles.

316. The programme “I Learn and Have Fun with the Environment” offers activities for children’s and adolescents’ free time during the holidays so that they can be in contact with nature and combine recreation and education. Activities have included: visits to botanical gardens, aquariums, zoos and natural history museums; logistical support; camps run by the church; camps run by the Central Bank; environmental talks and games; and fact sheets (educational material). The programme has been launched with the children of the Environment Ministry. It is recommended that the programme should be extended in view of the considerable interest it has generated.

III. DEFINITION OF THE CHILD

(art. 1)

A. Definition

317. According to principle II of the Code for the System of Protection of the Rights of Children and Adolescents (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.

B. Legal capacity to marry

318. According to article 56 (2) of Act No. 659 concerning the Civil Status Acts of 1944: “Minors under the age of 18 may not marry without the consent of their parents or surviving parent.” This means at the age of 17. Article 56 (5) adds a minimum age restriction, subject to dispensation by a lower court judge: “Male persons, before they have completed 16 years, and female persons before they have completed 15 years may not enter into a marriage contract; this age rule may be waived by a lower court judge if appropriate.”

C. Labour situation

319. Conditions of work for children and adolescents are regulated by the Labour Code, subject to an authorization issued by the Ministry of Labour in exceptional cases where employment may be justified before the age of 16 on grounds of a need for training or precocious talent.

D. Military recruitment

320. Voluntary enlisting in the armed forces is allowed from the age of 18. Recruitment is not compulsory, nor is military service. In the event of war, children and adolescents are given priority protection under the terms of Act No. 136-03.

E. Criminal responsibility

321. Children cannot be held criminally responsible until they have completed 13 years. For the purposes of the law, the legal age applies on the day following the child’s birthday.

IV. GENERAL PRINCIPLES (arts. 2, 3, 6 and 12)

A. Non-discrimination (art. 2)

322. Act No. 136-03, in principle IV, establishes equality and non-discrimination for 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, 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 their relatives.

323. In principle VI concerning absolute priority, children and adolescents are given “the priority right to receive special protection in all circumstances; preferential attention by public and private services; and primacy of rights in any situation of conflict with other legally protected rights or interests”. According to principle VII of the same Code, the State, as the representative of the whole of society, has the mandatory obligation to take all administrative, legislative, judicial or other measures as may be necessary or appropriate to ensure that all children and adolescents have full and effective enjoyment of their rights; it may not justify any failure to fulfil that obligation on the grounds of budgetary restrictions.

324. In this respect, the State must provide appropriate policies, programmes and assistance to ensure that the family may properly assume its responsibilities and must guarantee access for children and adolescents to programmes and services for the enjoyment of all the rights enshrined in the Code.

325. The Code also establishes that the family is responsible in the first place for ensuring the exercise and full and effective enjoyment of all their fundamental rights by children and adolescents. Fathers and mothers have joint and equal responsibilities and obligations with respect to the care, development, education and full protection of their children.

B. Best interests of the child (art. 3)

326. According to the terms of Act No. 136-03, the best interests of the child or adolescent must in principle always be taken into account for the purposes of interpreting or applying the Code and must be complied with in all decisions concerning the child or adolescent, the aim being to contribute to the full development of children and adolescents and to ensure the full and effective enjoyment of their fundamental rights.

327. In order to determine the best interests of the child or adolescent, in practical terms the following factors must be taken into account: the opinion of the child or adolescent; the need for a balance between the rights and guarantees of the child or adolescent and the requirements of the common good; the specific condition of children and adolescents as persons undergoing development; the indivisibility of human rights and hence the need to strike a balance between the different sets of rights of children and adolescents and the principles on which they are based, in accordance with the provisions of the Convention on the Rights of the Child; and the need to give precedence to the rights of children and adolescents over the rights of adult persons.

C. The right to life, survival and development (art. 6)

328. 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. Respect for the views of the child (art. 12)

329. Act No. 136-03, in articles 15 to 17, establishes the right to liberty, to participate, to express views and to be heard: all children and adolescents have the right to participate freely, actively and fully in family, community, social, academic, scientific, cultural, sporting and recreational activities, and to be gradually incorporated in active citizenship. The State, the family and society must create and foster opportunities for the participation of all children and adolescents and their associations.

330. According to the State's obligation to guarantee freedom of expression, 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. This right extends to all areas affecting the development of the children and adolescents, including the State, the family, the community, and in social, academic, scientific, cultural, sporting and recreational activities. All children and adolescents are guaranteed the personal and direct enjoyment of this right, especially with respect to any administrative or judicial procedure that may lead to a decision related to the protection of their rights and interests.

331. Similarly, all children and adolescents have the right to the protection of their honour, reputation and image, to their private life, personal intimacy and family life. These rights may not be exposed to arbitrary or illegal interference by the State, or by any natural or artificial persons. Since all children and adolescents have the right to participate, the law entitles them to access to amusements and public spectacles of their own or considered appropriate for their age. This is subject to certain rules:

(a) Children under the age of 10 may enter or remain in places of presentation or exhibition only if accompanied by their parents or persons responsible;

(b) Radio and television broadcasters, at times of the day appropriate for children and adolescents, must offer programmes with educational, artistic, cultural and informative content, that promote values and the prevention of violence;

(c) Every programme must be introduced or announced with a specific rating before, during and after the broadcast;

(d) The organizers of public spectacles and amusements shall display visibly at the entrance of each venue detailed information concerning the nature of the spectacle offered and its rating with respect to the ages at which access is permitted.

V. CIVIL RIGHTS AND FREEDOMS

(arts. 7, 8, 13-17, and 37 (a))

A. Introduction to this cluster (section I: Organization of the report, para. 6)

332. No statistics are available in the country regarding the number of minors under 18 who do not have birth certificates. Regarding this subject and the population in general, however, several statistical studies of the Standardized System of Beneficiaries (SIUBEN) report that the proportion of the Dominican population that is undocumented probably varies between 20 and 30 per cent, with people living below the line of extreme poverty being most affected (source: component 2 - Programme of support for undocumented Dominicans, under the Social Protection Investment Loan Project (PIPS)-BM-Central Government Administration, May 2005, copy/doc aide-memoire, page 7).

333. According to the 2002 Population and Health Census (ENDESA), around 395,932 children under the age of 14 in the country have not been registered by their parents. The Ministry of Education, through its Department of Counselling and Psychology, issued a public call in 2002 for children without birth certificates to be enrolled in school. A census carried out in the schools subsequently identified some 63,595 children in that situation.

334. The Dominican Republic, through a number of governmental and civil society institutions, which have been seriously concerned by the problem, has responded by developing several initiatives. The results so far have been excellent, especially in terms of the effort made to restore the right to a name and nationality through community operations to register children and adolescents without birth certificates.

335. The impact of these operations has been very effective. According to reports from schools in 2003 alone 7,617 children were registered. So far this year the number of cases successfully dealt with exceeds 15,000. Similar results have been achieved by agencies operated by NGOs dealing with children, especially the Centre for Legal Advice and Investigations (CEDAIL), which in only 37 months succeeded in registering 36,000 children, World Vision and International Plan, among other NGOs. As many children and adolescents without birth certificates were registered in 2004 and 2005 as in 2003, thanks to continued special operations.

B. Name and nationality, preservation of identity (arts. 7 and 8)

336. 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.

337. 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.

338. 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.

339. 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 Status 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.

C. Freedom of expression, thought, conscience and religion; freedom of association and of peaceful assembly (arts. 13 to 15)

340. According to 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. This right extends to all areas affecting the development of the children and adolescents, including the State, the family, the community, and in social, academic, scientific, cultural, sporting and recreational activities.” All children and adolescents are guaranteed the personal and direct enjoyment of this right, especially with respect to any administrative or judicial procedure that may lead to a decision related to the protection of their rights and interests.

D. Protection of privacy (art. 16)

341. The right to privacy is enshrined in Act No. 136-03. All children and adolescents have the right to the protection of their honour, reputation and image, to their private life, personal intimacy and family life. These rights may not be exposed to arbitrary or illegal interference by the State, or by any natural or physical persons.

342. Regularly and continuously, all children and adolescents have the right to maintain personal relations and direct contact with their father and mother, even if these are separated, unless it is not in their best interest, subject to verification and authorization by the competent judicial authority.

343. Neither the father, nor the mother, nor the guardian or the person responsible may, except for serious reasons, interfere with the personal relations of the children and adolescents with their grandparents. Failing agreement between the parties, the necessary arrangements for these

relations shall be regulated by the civil division of the appropriate juvenile court. In the case of exceptional circumstances, the civil division of the juvenile court may grant a right of communication or visit to other persons, relatives or otherwise.

E. Access to appropriate information (art. 17)

344. All children and adolescents have the right to receive, seek and use any type of information which is appropriate for their stage of development and freely to select the medium and information they wish to receive, subject only to the limitations laid down in Act No. 136-03 and the Constitution of the Republic.

345. The content of all material intended for children and adolescents, including magazines, publications, videos, illustrations, photographs, reading matter and articles, must be identified in the material's wrapping. According to the regulations governing the advertising and sale of alcoholic beverages, tobacco, firearms and ammunitions, all related illustrations, photographs and advertisement exposed to public view must comply with the ethical and social values of human beings and families. This type of goods and advertisement is prohibited in public and private places used by children and adolescents.

346. The right to information concerning health implies that all children and adolescents are entitled to be informed and educated regarding the basic principles of prevention with respect to health, nutrition, early stimulation, physical development, sexual and reproductive health, hygiene, environmental health and accidents. In addition, both the children and adolescents and their immediate relatives have the right to be informed, truthfully and in good time, regarding their state of health, according to their stage and level of development.

F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (art. 37 (a))

347. The Dominican Republic, in accordance with constitutional rights, is responsible for protecting all children and adolescents against any form of abuse, ill-treatment or exploitation, regardless of the means used, including the use of the Internet or any other electronic channel. If such cases should occur, the violated or threatened rights must be restored through the application of the protective measures set out in Act No. 136-03.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 5, 9-11, 18, paras. 1-2; 19-21, 25, 27, paras. 4 and 39)

A. Introduction to this cluster (section I, Organization of the report, para. 6)

348. The Committee requested information on:

- (a) Parental guidance (art. 5);
- (b) Separation from parents (art. 9);
- (c) Family reunification (art. 10);

- (d) Illicit transfer and non-return (art. 11);
- (e) Parental responsibilities (art. 18, paras. 1 and 2);
- (f) Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39);
- (g) Children deprived of a family environment (art. 20);
- (h) Adoption (art. 21);
- (i) Periodic review of placement (art. 25);
- (j) Recovery of maintenance for the child (art. 27, para. 4).

349. The replies to this cluster of articles follow the indications given in the Annex to the General Guidelines regarding the form and contents of periodic reports.

350. According to principle VIII of Act No. 136-03, the general obligations of the family include the duty, in the first place, to ensure for children and adolescents the full and effective exercise and enjoyment of their fundamental rights. With respect to these obligations, the father and mother share common and equal responsibilities and obligations for the care, development, education and full protection of their offspring.

351. The law also establishes that all children and adolescents have the right, on a regular and continuous basis, to maintain personal relations and direct contact with their father and mother, even if the latter are separated, unless this is contrary to their best interests, subject to verification and authorization by the competent judicial authority.

352. Similarly, neither the father, nor the mother, nor the guardian or person responsible may, except for serious reasons, interfere with the personal relations of the children and adolescents with their grandparents. Failing agreement between the parties, arrangements for these relations shall be regulated by the civil division of the appropriate juvenile court. In the event of exceptional circumstances, the civil division of the juvenile court may grant a right of communication or visit to other persons, whether relatives or otherwise.

353. Nevertheless, 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.

354. 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.

355. 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.

B. Parental guidance (art. 5)

356. The duties of the father and mother include:

- (a) Registering or recognizing their offspring in the Civil Registry Office immediately after birth;
- (b) Offering maintenance, protection, education and supervision;
- (c) Ensuring the education of children and adolescents; to this effect they must enrol them in good time in a school, educational establishment or institute, in accordance with the law, and insist that they attend classes regularly and participate actively in their educational process;
- (d) Protecting the health of the children and adolescents;
- (e) Guiding the children and adolescents in the gradual exercise of their rights and in the fulfilment of their duties, in order to contribute to their full development and their incorporation within society;
- (f) Administering their property, if any.

357. With regard to parental responsibility, the father and mother, while they exercise parental authority, are assumed to be jointly responsible for any damage caused by their children under age living with them. To this effect, it is sufficient for the children's harmful act to be the direct cause of the injury suffered by the victim, regardless of any moral assessment of the children's or parents' behaviour. The only exception to the above presumption of responsibility is allowed in the case of proven fortuitous event or force majeure.

358. If the parental authority is exercised by only one of the parents, that parent alone will be held responsible for the damage caused by children under age under the stipulated conditions. The responsibility referred to in this article will also be applied to guardians or physical persons exercising parental authority or de jure or de facto custody of the children. The provisions governing responsibility referred to in this article shall be decided by the courts in accordance with the ordinary law.

359. All children and adolescents have the right to personal integrity. This right includes respect for their dignity, the inviolability of their physical, psychic, moral and sexual integrity, including the preservation of their image, identity, independent values, ideas, beliefs, space and personal objects. The family, the State and society are responsible for protecting them against any form of exploitation, ill-treatment, torture, abuse or neglect that may affect their personal integrity.

360. Should any children or adolescents be abused by persons having authority over them, such abuse must be reported; this means that all professionals and officials employed in the areas of

health, pedagogy or psychology, as well as social workers and law-enforcement agents, directors and officials, both public and private, or any other persons who, whether or not in the performance of their duties, should become aware of or suspect a situation of abuse or violation of the rights of children and adolescents, have the obligation to report it to the competent authorities, without incurring any penal or civil responsibility with respect to the information they supply. Failure to fulfil this obligation entails a penalty of one to three times the officially established minimum salary. The criminal division of the juvenile court has jurisdiction over such offences.

361. In the event of this right being violated, all children and adolescents are entitled to compensation for any resulting injury; to this effect the Dominican State is responsible for protecting all children and adolescents against any form of abuse, ill-treatment or exploitation, regardless of the means used, including the Internet or any other electronic channel. If such cases should occur, the rights that have been violated or threatened must be restored through the application of protective measures laid down in the Code. The family and society as a whole must participate and insist on this right.

362. Parents, representatives and those legally responsible have an obligation, within their possibilities and economic means, to guarantee the full and effective enjoyment of the rights of children and adolescents.

363. In the absence of the father and/or of the mother, these duties must be assumed by whoever is exercising the de facto or de jure custody of the child or adolescent.

364. Should a disagreement arise between the father and mother regarding the exercise of their rights and duties, the Prosecutor's Office for children and adolescents may act as mediator between the parties, failing which the conflict shall be referred to the judge of the civil division of the juvenile court for judicial settlement

365. The authority of the father and mother is terminated in the event of:

- (a) The adolescent reaching the age of majority;
- (b) The decease of the child or adolescent;
- (c) The emancipation of the adolescent by court order or by marriage;
- (d) The definitive suspension of the authority of the father and/or the mother by court order.

366. The authority of the father and/or the mother may be suspended temporarily for the reasons indicated below.

367. The authority of the father or mother may be temporarily suspended in the following cases:

- (a) In the event of faulty, negligent or unjustifiably absent performance of their duties, where they have the necessary means to perform them;

(b) If the father and/or mother, deliberately or by omission, as ascertained by the competent judge, should threaten or infringe the rights of the child or adolescent and put at risk his or her security and full well-being, even as a result of a disciplinary measure;

(c) In the event of declared absence;

(d) In the event of the young person being placed under majority guardianship;

(e) In the event of civil or judicial disability;

(f) Parental authority may be restored at the request of the interested party, following a challenge of the other party, once the reasons for which the temporary suspension was ordered have ceased to apply.

368. The authority of the father and/or mother will be definitively terminated in the following cases:

(a) If the father, mother and/or person responsible, de facto or de jure, has been found by a court to be the material or intellectual perpetrator or accomplice of criminal acts or offences against the son or daughter or against the other spouse or companion;

(b) If the father, mother and/or person responsible fails to fulfil the obligations established by the competent judge, in the course of proceedings for the temporary suspension of authority;

(c) If they are material or intellectual perpetrators or accomplices in offences or criminal acts committed jointly with children or adolescents;

(d) If they have perpetrated offences referred to in Act No. 24-97 concerning domestic violence;

(e) In the case of all such offences (*delitos*), the judge shall decide in the light of the injury caused to the child or adolescent whether to apply a temporary suspension or to terminate the parental authority definitively.

369. The suspension or termination of parental authority may be requested by any of the following:

(a) The child or adolescent concerned, taking into account his or her age and degree of maturity;

(b) The father, mother or person responsible, ascendants or collaterals to the fourth degree of consanguinity;

(c) The Public Prosecutor's Office for children and adolescents;

(d) The National Council for Children and Adolescents (CONANI).

370. Both the suspension and the loss and recovery of parental authority must be ordered by a juvenile court, under civil jurisdiction, following adversarial proceedings and taking into account the best interests of the child or adolescent. In all proceedings for temporary suspension or termination by court decision or recovery, the views of the child or adolescent must be heard, taking into account his or her age and degree of maturity.

C. Illicit transfer and non-return (art. 11)

371. The Convention on the Civil Aspects of International Child Abduction (concluded in the Hague in 1980) was ratified by the Dominican Republic on 4 May 2004. It is recognized that this Convention, by facilitating the prompt return of children wrongfully removed from or retained outside the country where they are habitually resident, provides essential support for the principles and rights of children, including the right of the child to maintain personal relations and direct contacts with both parents, as enshrined in various human rights instruments, especially the Convention on the Rights of the Child. When applying the 1980 Convention of the Hague, the judges must bear in mind that it must serve as an instrument for giving effect to those principles.

372. The effective application of the 1980 Convention of the Hague in the interest of the minor depends on close cooperation between judges and the central authorities of the 75 contracting States.

373. In 2004, the National Council for Children and Adolescents (CONANI) and the Inter-American Children's Institute (IIN) signed a cooperation agreement for the installation of the Internet Site for the Coordination of Actions (CA) in favour of Children and Adolescents, for the purpose of generating opportunities for complete information that contribute to the gestation of change processes affecting the condition of children and adolescents in the Americas.

374. The Internet Site for Action Coordination facilitates the coordination of work between countries for the settlement of problems (cases) related to children and adolescents which originate in one particular country and may involve other countries in the region, such as:

- (a) Illegal international abduction of a minor by one of the parents;
- (b) Maintenance obligations on the part of the parents, if resident in a country different from that of their children;
- (c) International adoptions;
- (d) Disappearance of children and adolescents;
- (e) Trafficking of children and adolescents;
- (f) Situations of commercial and non-commercial sexual exploitation involving children and adolescents who live outside the country;
- (g) Any type of situation involving a violation of the basic rights of a child or adolescent who is living in a country other than that where one of the parents is residing.

375. The aim is to build a space which, using non-technical working tools, can achieve greater efficiency in the exchange of information and the coordination and monitoring of regional policies and situations related to children.

376. The CA Site is physically situated in the Internet computer area of the Organization of American States at its headquarters in Washington, DC, whose protection and security systems guarantee maximum data privacy and security.

377. In Dominican legislation protecting the rights of children and adolescents, chapter V of Act No. 136-03 defines the illicit transfer and non-return of children or adolescents as a situation where they have been transferred to or retained in a place or country other than that of their habitual residence by a person without due authorization. The Public Prosecutor's Office for Children and Adolescents must return the child or adolescent concerned to whoever has legal custody. If the transfer has been to another country, it must apply to that country's authorities to return the child or adolescent.

378. Article 405 of the Act establishes the penalty for illicit transfer and non-return. The father, mother, person responsible or third parties, perpetrator or accomplice of the illicit transfer or non-return, as described in article 110 of the Code, is liable to deprivation of liberty of between six months and one year and the payment of a fine of 1 to 10 times the officially established minimum salary, in force at the time the offence is committed. In the event of a repeated offence, the penalty is 1 to 2 years' deprivation of liberty and a fine of 10 times the officially established minimum salary, applicable at the time the offence is committed.

379. Similarly, article 406 of the law establishes a penalty for the illicit transfer of a child or adolescent abroad. Whoever promotes or assists, or is an accomplice in the transfer of a child or adolescent abroad, for purposes of profit or other illicit purposes, in violation of the law, shall be liable to a sentence of 4 to 6 years and a fine of 10 to 30 times the officially established minimum salary, applicable at the time the offence is committed.

D. Parental responsibilities (art. 18, paras. 1 and 2)

380. The best interests of the child or adolescent must in principle always be taken into account for the purposes of interpreting or applying the Code and must be complied with in all decisions concerning the child or adolescent, the aim being to contribute to the full development of children and adolescents and to ensure the full and effective enjoyment of their fundamental rights.

381. In order to determine the best interests of the child or adolescent, in practical terms, the following factors must be taken into account:

- (a) The opinion of the child or adolescent;
- (b) The need for a balance between the rights and guarantees of the child or adolescent and the requirements of the common good;
- (c) The specific condition of children and adolescents as persons undergoing development;

(d) The indivisibility of human rights and hence the need to strike a balance between the different sets of rights of children and adolescents and the principles on which they are based, in accordance with the provisions of the Convention on the Rights of the Child;

(e) The need to give precedence to the rights of children and adolescents over the rights of adult persons.

382. According to principle VIII of Act No. 136-03, the general obligations of the family include the duty, in the first place, to ensure for children and adolescents the full and effective exercise and enjoyment of their fundamental rights. With respect to these obligations, the father and mother share common and equal responsibilities and obligations for the care, development, education and full protection of their offspring.

383. The law also establishes that all children and adolescents have the right, on a regular and continuous basis, to maintain personal relations and direct contact with their father and mother, even if the latter are separated, unless this is contrary to their best interests, subject to verification and authorization by the competent judicial authority.

384. Similarly, neither the father, nor the mother, nor the guardian or person responsible may, except for serious reasons, interfere with the personal relations of the children and adolescents with their grandparents. Failing agreement between the parties, arrangements for these relations shall be regulated by the civil division of the appropriate juvenile court. In the event of exceptional circumstances, the civil division of the juvenile court may grant a right of communication or visit to other persons, whether relatives or otherwise.

385. Nevertheless, 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.

386. 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.

387. 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.

388. The duties of the father and mother include:

(a) Registering or recognizing their offspring in the Civil Registry Office immediately after birth;

- (b) Offering maintenance, protection, education and supervision;
- (c) Ensuring the education of children and adolescents; to this effect they must enrol them in good time in a school, educational establishment or institute, in accordance with the law, and insist that they attend classes regularly and participate actively in their educational process;
- (d) Protecting the health of the children and adolescents;
- (e) Guiding the children and adolescents in the gradual exercise of their rights and in the fulfilment of their duties, in order to contribute to their full development and their incorporation within society;
- (f) Administering their property, if any.

389. With regard to parental responsibility, the father and mother, while they exercise parental authority, are assumed to be jointly responsible for any damage caused by their children under age living with them. To this effect, it is sufficient for the children's harmful act to be the direct cause of the injury suffered by the victim, regardless of any moral assessment of the children's or parents' behaviour. The only exception to the above presumption of responsibility is allowed in the case of proven fortuitous event or force majeure.

390. If the parental authority is exercised by only one of the parents, that parent alone will be held responsible for the damage caused by children under age under the stipulated conditions. The responsibility referred to in this article will also be applied to guardians or physical persons exercising parental authority or de jure or de facto custody of the children. The provisions governing responsibility referred to in this article shall be decided by the courts in accordance with the ordinary law.

E. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

391. According to article 34 of Act No. 136-03, children and adolescents have the right to be protected against economic exploitation. The State and society are responsible for devising and implementing protective policies, plans, programmes and protective measures in order to eliminate child labour, especially jobs defined as the worst forms of child labour. In the pursuit of this objective they must be supported by the family.

392. The protection of children and adolescents against labour exploitation falls under the responsibility of the State, exercised through the Ministry of Labour, in coordination with the National Council for Children and Adolescents (CONANI), pursuant to the provisions of the Labour Code, ILO Convention No. 138 concerning Minimum Age for Admission to Employment and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, as well as other international instruments ratified by the Dominican Republic, and any regulations and recommendations concerning child labour issued by the National Steering Committee to Combat Child Labour.

393. The Act also prohibits the employment of young persons under the age of 14. Any person who, by whatever means, observes the violation of this prohibition must report the fact to the Ministry of Labour and to the National Council, for these to take the necessary steps to ensure that the young person involved ceases employment and is readmitted to the education system, in the event that the child is not attending school.

F. Children deprived of a family environment (art. 20)

394. Governmental and non-governmental organizations providing programmes for the protection and care of children and adolescents are subject to the supervision of the National Office of the National Council for Children and Adolescents (CONANI), and of regional, provincial and municipal organizations, in accordance with the relevant regulations.

395. The National Council must provide these organizations with support in terms of guidance, training and technical and economic assistance, where necessary, in order to ensure that the measures intended for the protection and care of children and adolescents are duly implemented.

396. With regard to operational plans and audits, the public and private organizations running special programmes for the protection of children and adolescents, regardless of the origin of their funds, must submit their operational plans one month ahead of implementation and their audited accounts within two months of completion to the National Council or its municipal representative.

397. In the event of an infringement of the provisions of article 460 of the Code, the National Council may monitor the proper administration of the programmes. If it finds any irregularities involving the criminal responsibility of the administrator or representative of the organization, the National Council may bring the matter before the courts.

398. According to article 461 of Act No. 136-03, measures taken for the protection and restoration of rights are provisional and exceptional in nature, taken by the competent authorities in order to ensure the protection of the rights of children and adolescents in cases where those rights are threatened, infringed and/or flagrantly violated. Such exposure to threats, infringements or violations of rights may result from an action or omission on the part of any public or private, natural or artificial person.

399. Measures taken for the protection and restoration of rights offer alternative procedures for settling social conflicts, aimed at administratively relieving the courts of cases concerning threats to or infringements or flagrant violation of the rights of children and adolescents, provided that the actions of the persons involved do not constitute offences.

400. In applying and enforcing measures for the protection and recovery of rights, due account must be taken of the best interests of the children and adolescents, and the need to strengthen family and community ties. Such measures may be applied individually, cumulatively or on a replacement basis.

401. Measures for the protection and recovery of rights may be applied whenever a child or adolescent is in a situation where any of the safeguards and fundamental rights set out in title II of book one of the Code are threatened, infringed or flagrantly violated for any of the following reasons:

- (a) As a result of some action or omission on the part of public or private institutions;
- (b) As a result of some failure, omission or abuse on the part of the children's and adolescents' parents, guardians or persons legally responsible;
- (c) As a result of some action or omission against themselves;
- (d) As a result of actions, omissions or abuses on the part of individuals.

402. Measures of protection and recovery include:

- (a) Orders issued to fathers, mothers, persons responsible, and public or private officials to fulfil their duties and obligations, with respect to the enjoyment by children and adolescents of the fundamental rights established in book one chapter II, of the Code;
- (b) Orders issued to the relevant authorities to fulfil their duties and obligations with respect to the rights to health and education established in chapters III and V of book one of the Code;
- (c) Orders issued for the protection and recovery of the right of children and adolescents to be brought up in a family, including their placement in a foster family as a provisional measure applicable in exceptional cases, subject to the provisions of article 476;
- (d) Orders issued for the protection and recovery of the rights of children and adolescents in the event of the flagrant violation of their rights due to abuse, ill-treatment or labour, sexual or commercial exploitation, pursuant to the provisions of book one of the Code;
- (e) Orders offering guidance to enable children and adolescents, fathers, mothers and those responsible to participate in family support programmes, alternative conflict settlements, parental training and all other options that foster family cohesiveness and prevent and eradicate domestic violence;
- (f) Orders issued to children and adolescents, father, mothers and those responsible to avail themselves of services and/or programmes offering physical, clinical or psychological treatment, if necessary.

403. The implementation of the above-mentioned measures should in no event give rise to the administrative placement of a child or adolescent in a public or private institution, which must be decided by a juvenile court, except as regards provisional placement in a foster family.

G. Adoption (art. 21)

404. 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.

405. According to article 113, adoption must be considered only in exceptional cases and in such circumstances as are specified in the Code.

406. The State is responsible for instituting 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, and must be approved by the juvenile court.

H. Recovery of maintenance for the child (art. 27, para. 4)

407. 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.

408. 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.

409. 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.

410. 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.

411. A woman who is pregnant may claim maintenance for the child she is expecting from the lawful father or from the person who has recognized paternity, in the case of a child born out of wedlock. The future mother must be paid the expenses of her pregnancy, delivery and post-delivery up to the third month following the birth of the child.

412. If the father or mother should fail to provide maintenance for a child or adolescent, proceedings will be initiated to ensure fulfilment of the obligation, before the Public Prosecutor's Office of the lower juvenile court of the place of residence of the child or adolescent, in accordance with the rules for filing originating claims set out in article 174.

413. With regard to conciliation and the periods of time allowed, once the claim has been lodged, the Public Prosecutor's Office will bring the parties together to attempt a conciliation,

within 10 days at most. On that occasion the amount of the maintenance, the place and form of delivery, the person to whom payment must be made and any other aspects that are deemed necessary shall be determined. Should the parties fail to reach agreement, the social worker of the multidisciplinary team of the National Council for Children and Adolescents (CONANI) will be allowed a further 10 days to conduct whatever socio-economic investigations may be necessary.

414. With regard to court proceedings and hearings, according to Article 176, if a person obliged to furnish maintenance to a child or adolescent should fail to appear, or if the conciliation should fail or not take place, any interested party may bring the case before the juvenile court for a decision, within at most 10 days of the date at which the Office of the Public Prosecutor for Children and Adolescents and the social worker have completed the conciliation and investigation procedure. The court which is competent to hear claims for maintenance is the criminal division of the juvenile court, in accordance with the procedure established for that division.

415. With regard to its form and content, the originating claim may be submitted either in writing or orally to the clerk of the court. In the case of an oral submission, minutes shall be drawn up containing the statements of the interested parties, and will be signed by the participants. The claim must state the names of the parties, the place where they can be notified, the amount of the maintenance, the grounds on which it is payable and the evidence which is presented and any documents in the hands of the claimant will be added to the minutes. Should any document be missing because the claimant is unable to obtain it for the claim, the judge, if notified by the clerk or at the request of the party, will order the authority concerned to issue the document free of charge and to transmit it to the court for inclusion in the file.

416. With regard to the documents and evidence submitted by the parties, for the purposes of establishing maintenance, the judge or Public Prosecutor's Office for Children and Adolescents may request the father or mother against whom the claim is made to produce evidence of their income and a copy of their most recent tax return, or failing that, a statement of their income or salaries issued by the employer. According to Act No. 136-03, evidence of paternity may be sought for the purposes of the Code, without prejudice to the provisions of any other laws. Such evidence may be based on notoriety or any incontrovertible, conclusive or reasonable fact regarding the paternity under investigation.

417. The application for an investigation into paternity shall not stay the enforcement of the decision establishing the obligation for the father or mother to provide maintenance.

418. At the request of one of the parties or of the Public Prosecutor's Office for Children and Adolescents, the court may order the payment of provisional maintenance starting from the filing of the claim, provided that the children concerned were born in the marriage and that paternity has been accepted by the father, if the proceedings show summary evidence of the defendant's means and the existence of the maintenance obligation. The Office of Migration and the Exit Control Department of the General Procurator's Office will be notified to ensure that the defendant is prevented from leaving the country without making sufficient provision to fulfil the obligation.

419. A guarantee must be deposited for the payment of the maintenance. The defendant or person ordered by the court or under the terms of a friendly settlement to pay maintenance, may leave the country only subject to the advance payment of at least the equivalent of one year of maintenance, and subject to a credit guarantee being taken out in the name of the beneficiary of the maintenance or his or her representative, with an insurance company which, in the opinion of the claimant, is recognized in the country as being financially solvent.

420. After hearing the documents read, the judge will question each party and hand down a ruling at the same hearing if possible or at another which he must arrange within six days. At that date the judge will issue his ruling, at a public hearing, even if the parties or their attorneys are not present.

421. Any failure to meet the deadlines laid down in the Code shall not be considered as grounds for invalidating the case, provided that at least 10 days elapse between the date of the first summons and the day of the hearing.

VII. BASIC HEALTH AND WELFARE **(art. 6; 18, para. 3; 23; 24; 26; and 27, paras. 1-3)**

A. Introduction to this cluster (section I: Organization of the report, para. 6)

422. The Committee requested information concerning:

- (a) Survival and development (art. 6, para. 2);
- (b) Children with disabilities (art. 23);
- (c) Health and health services (art. 24);
- (d) Social security and childcare services and facilities (arts. 26 and 18, para. 3);
- (e) Standard of living (art. 27, paras. 1-3).

B. Survival and development (art. 6, para. 2)

423. 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 (Act No. 136-03), the Constitution of the Republic, the Convention on the Rights of the Child and other international instruments. These rights are mandatory, inviolable, inalienable, interdependent and indivisible.

424. 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 integral development.

C. Children with disabilities (art. 23)

425. 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 provisions of the Code 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.

426. Society and its organizations have the right and the duty to participate actively in giving all children and adolescents full and effective enjoyment of their rights. The State must provide the means for the direct and active participation of governmental and non-governmental institutions in the definition, implementation and monitoring of policies aimed at protecting children and adolescents.

427. The State and society must grant the highest priority to guaranteeing all the fundamental rights of children and adolescents.

428. This priority must be granted in respect of everyone and includes:

- (a) Priority in the formulation of public policies;
- (b) Priority right to receive special protection in all circumstances;
- (c) Priority right to assistance by public and private services;
- (d) Primacy of rights in any situation of conflict with other legally protected rights or interests.

429. The State, as the representative of the whole of society, has the mandatory obligation to take all administrative, legislative, judicial or other measures as may be necessary or appropriate to ensure that all children and adolescents have full and effective enjoyment of their rights, and may not use budgetary restrictions as justification for failing to meet those obligations.

430. Accordingly, the State must provide appropriate policies, programmes and assistance to enable families properly to assume their responsibilities and must guarantee children and adolescents access to programmes and services for the enjoyment of all the rights enshrined in the Code.

431. The requests, claims, applications and other documents relating to matters covered by the Code, and their certified copies, must be issued on ordinary paper and are not subject to any form of tax.

432. Public officials and employees, including judicial and municipal civil servants who are involved in any way in such matters, shall process them as a matter of priority and are not authorized to collect any additional payment or fees other than those levied by the State.

433. Articles 2, 3, 5, 7, 10-13, 53 and 54 of Act No. 42-2000 concerning disability in the Dominican Republic include the following provisions.

434. 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.
435. 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.
436. The State is required to waive all forms of taxes on equipment, materials and technical aids intended to be used by persons with disabilities, as well as on those associated with work-related projects undertaken exclusively for their socio-economic advancement.
437. The State must provide the necessary technological support to educational establishments to enable them to provide training and information to persons with disabilities.
438. The State must ensure the provision of economic resources to facilitate the effective incorporation of persons with disabilities into the national labour market. Public loans will be granted in those cases in which the job performance of persons with disabilities may be made more efficient with the assistance of scientific and technical aids, available in the market, and to finance business projects whose feasibility has been duly demonstrated.
439. The State will adopt the necessary measures to ensure that persons with disabilities have access to social security schemes, including health care, pension and retirement schemes, and whatever other component of social security may prove necessary.
440. The State is responsible for ensuring that persons with disabilities are able to participate in cultural, sporting, recreational and religious activities on an equal footing. Moreover, it must ensure that they are granted the necessary technical and educational means to develop their creative, artistic and intellectual abilities in all their forms.
441. Organizations providing services to persons with disabilities, as well as those comprising persons with disabilities who receive private funds from natural or artificial persons, whether national or international, are required to submit to the appropriate agency an annual statement of income and expenditure showing the allocation of funds to their policies and programmes.
442. The general policy regarding health services for persons with disabilities is aimed at ensuring for such persons sufficient physical and mental capacity to allow them to be well integrated in society.
443. The institutions of the national health system are required to provide specialized and good quality care to persons with disabilities when they need it. Together with the Ministry of Public Health, the responsible authority will monitor the quality of technical standards of service and will ensure effective and equal access to diagnosis, treatment, qualification and rehabilitation.

D. Health and health services (art. 24)

444. All children and adolescents have the right, from the time of their birth, to enjoy the highest attainable standard of physical and mental health.

445. Consequently, the State, through the implementation of effective public policies, is responsible for guaranteeing all children and adolescents, from birth to 18 years of age, universal and equal access to health prevention, promotion, protection, treatment and rehabilitation schemes, programmes and services. Furthermore, it must guarantee them access to periodic, free medical and dental services of the highest quality.

446. In no circumstances may children and adolescents be deprived of health care on the grounds of the absence of their parents, representatives or persons responsible, the lack of identity documents or economic resources, or any other grounds that violate their rights.

447. Similarly, all children and adolescents have the right to be informed and educated about the basic principles of prevention in the areas of health, nutrition, early stimulation, physical development, sexual and reproductive health, hygiene, environmental improvement and accidents. Both they and their immediate family members have the right to be informed, in a truthful and timely manner, about their state of health, in accordance with their age and maturity. In order to meet this requirement, the State, with the active participation of society, will ensure that information and education programmes in these areas are made available to children and adolescents and their families.

448. All children and adolescents have the right to be immunized against preventable diseases. The State, through the Ministry of Public Health and Social Welfare, the Dominican Social Security System and other related bodies, is required to supply and administer vaccinations to all children and adolescents.

449. Fathers, mothers and persons responsible are required to vaccinate their children in accordance with the recommendations issued by the relevant health authorities.

450. According to article 32 of Act No. 136-03, directors, legal representatives or managers of educational establishments and other public or private educational institutions are required to:

(a) Ensure that fathers, mothers and persons responsible meet their obligation to have children and adolescents immunized;

(b) Inform fathers, mothers and persons responsible that the children and adolescents need medical, dental, psychological or other type of care to ensure their optimum growth and development;

(c) Coordinate and implement sexual and reproductive health prevention programmes produced by the Dominican Social Security System and the relevant ministries.

**E. Social security and childcare services and facilities
(arts. 26 and 18, para. 3)**

451. 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:

- (a) Formulating policies, rules and procedures for the establishment, design, construction and/or implementation, equipment and operation of childcare facilities;
- (b) Preparing and implementing regulations for the financing, management and monitoring of childcare facilities;
- (c) Developing projects and managing internal and external resources in order to extend and/or improve the services offered by childcare facilities;
- (d) Monitoring and evaluating childcare facilities with a view to constantly improving their operation;
- (e) Setting up and monitoring regional and provincial councils of childcare facilities that are similar to CONDEI in structure and composition;
- (f) Coordinating the activities of these councils with those of the National Social Security Council (CNSS);
- (g) Ensuring implementation of the policies, plans for expansion and development, and rules adopted by CONDEI and CNSS.

452. 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) has issued decision 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.

F. Standard of living (art. 27, paras. 1-3)

453. States parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

454. The parents or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.

455. States parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES
(arts. 28, 29 and 31)

A. Education, including vocational training and guidance (art. 28)

456. All children and adolescents have the right to a full education of the highest quality, aimed at developing the talents and abilities that contribute to their personal development, as well as that of the family and society. They should be taught to exercise fully their rights as citizens, to respect human rights and to develop traditional national and cultural values in a spirit of peace, solidarity, tolerance and respect.

457. Primary education is compulsory and free of charge. Parents and the State share equally in the responsibility of guaranteeing the means to enable all children to complete primary education.

458. In no circumstances may children or adolescents be deprived of education on such grounds as: the absence of their parents, representatives or persons responsible; the lack of identity documents or economic resources; or any other grounds that violate their rights.

459. In order to enable children and adolescents to exercise the right to education, the State and, in particular, the Ministry of Education, must guarantee:

- (a) Access to preschool education from the age of 3;
- (b) Free and compulsory primary education;
- (c) The adoption of measures to encourage regular attendance at schools and reduce dropout rates;
- (d) Secondary education, including vocational education, for all adolescents, both male and female;
- (e) Educational and vocational information and guidance for all children and adolescents.

460. In order to prevent young people from dropping out of school, Act No. 136-03 stipulates that the directors of primary and secondary schools, educational institutions and all other educational facilities are required to contact the father, mother or person responsible, following two absences or unauthorized departures from the school of a child or adolescent, in order to ascertain the reason for such absences or departures. If the reasons are not acceptable, the director must insist that the father, mother or person responsible send the child or adolescent back to school. All of the foregoing must be stated in writing. If the father, mother or person responsible does not comply with this requirement, the principal must turn the matter over to the National Council for Children and Adolescents (CONANI) for appropriate action.

461. Using all means at its disposal, the National Council is charged with ensuring that children and adolescents who have missed school or who have left without permission comply with their obligations.

462. All persons are required to report, by whatever means, any children or adolescents who are not attending school to the National Council authorities, and to provide information concerning their whereabouts so that they may be placed in a public or private school.

463. Failure on the part of the director of a primary or secondary school or educational establishment to comply with the obligations set out in the foregoing paragraph will entail a sanction consisting of a fine of between one and three months' minimum wages. This sanction is applied by the criminal division of the juvenile court, without prejudice to any disciplinary sanctions applied to the director by the Ministry of Education, which may range from a written warning to suspension without salary or dismissal from employment.

464. The Ministry of Education may apply the disciplinary sanction consisting of dismissal of the director of an educational establishment only after the competent court has sanctioned the person twice for the reasons indicated above.

465. Academic discipline must be administered in conformity with the rights, guarantees and obligations of children and adolescents set out in Act No. 136-03. Accordingly, the Ministry of Education must clearly establish and each year distribute the official disciplinary regulations to be applied in each school, without prejudice to any specific rules which may be established by private educational institutions, provided they are in line with the above regulations and the principles established in the Code.

466. The following provisions apply to the official disciplinary regulations of schools, academic institutes and other educational facilities:

(a) The regulations must specify which acts are subject to sanction, the corresponding sanctions and the procedure for applying them, with regard to both the behaviour of students and that of the teachers and administrative staff of every educational establishment;

(b) The applicable disciplinary regulations must be made available and communicated in writing in good time at the beginning of each school year to all children and adolescents and to their fathers, mothers, legal guardians or persons responsible;

(c) Before any sanction is applied, all children and adolescents must be allowed to exercise the right to express their views and the right to a hearing. After a sanction is applied, they should be given the opportunity to challenge it before a higher, impartial authority;

(d) Any type of corporal, financial or collective sanction is prohibited, as is any type of corrective measure that may be considered to be a threat to or a violation of the rights of students;

(e) It is prohibited to apply sanctions, suspensions or expulsions or any kind of discriminatory treatment on the grounds that a girl or adolescent is pregnant;

(f) The failure on the part of parents or persons responsible to pay particular educational fees or services to public or private educational establishments may not be considered grounds for any form of discrimination against or sanctioning of children or adolescents;

(g) If a private educational establishment should find it necessary to suspend educational services to a child or adolescent owing to the parents' failure to pay, it may do so only at the end of the current academic period, ensuring that the young person's education is not interrupted and that he or she is not subjected to any form of discrimination for this reason. Once the academic period has ended, the school may suspend services for the following year, provided it has informed the relevant school district in order to ensure the student's mandatory admittance to a public school, without prejudice to any further measures that may be taken with regard to the conduct of the parents or other persons responsible;

(h) A child or adolescent may be suspended or expelled from a school only for reasons specifically laid down in the disciplinary regulations, in keeping with the applicable administrative procedure and following an approach that is primarily educational in spirit and designed to foster civic responsibility, without prejudice to the young person's rights or to the provisions of Act No. 136-03.

467. In the event of an alleged violation of this article by an educational establishment, the child or adolescent may apply to the appropriate regional office of the Ministry of Education in order to resolve the difficulty or discrepancy.

468. The civil division of the juvenile court is competent to hear any claim arising from the violation of this article. Such claims may be brought only after completion of the above-mentioned procedure.

B. Aims of education (art. 29), with reference also to quality of education

469. All children and adolescents have the right to be treated with respect and dignity by their teachers.

470. The State, through its institutions, the media, the family and the community in general, is responsible for encouraging the adoption of values and principles in order to enable children and adolescents to comply with the following duties:

- (a) To honour the nation by respecting its symbols, heroes and heroines;
- (b) To value and respect the family as the basic social unit, and to respect and obey their parents or persons responsible, who in turn must accept and respect their rights and abide by the law;
- (c) To uphold the principles of democratic coexistence and social and human solidarity;
- (d) To respect freedom and diversity of conscience, thought, religion and culture;
- (e) To fulfil their academic, family and community responsibilities;
- (f) To help preserve the environment through conservation of their local areas;
- (g) To comply with and respect the laws, as well as any other duty established in those laws.

C. Rest, leisure, recreation and cultural and artistic activities (art. 31)

471. 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.

472. With regard to the child's right to participate in culture, sport, leisure and recreation, the State, and in particular the institutions that comprise the National Council for Children and Adolescents (CONANI), are responsible for guaranteeing all children and adolescents under the age of 18 the right to:

- (a) Enjoy all cultural events that contribute to their full development as individuals;
- (b) Suitable areas for making appropriate use of free time;
- (c) Engage in play and recreational and sporting activities;
- (d) Receive instruction in artistic disciplines;
- (e) Engage in activities that promote the development of talent and creativity;
- (f) Enjoy a culture of peace;

(g) For these purposes, in addition to the obligations of other State agencies, all municipalities must provide the necessary public sports and recreational facilities to enable children and adolescents to enjoy this right.

IX. SPECIAL PROTECTION MEASURES (arts. 22, 30, 32-36, 37 (b)-(d), 39 and 40)

A. Children in situations of emergency

473. The Committee requested information on:

- (a) Refugee children (art. 22);
- (b) Children in armed conflict (art. 38), including their physical and psychological recovery and social reintegration (art. 39): not applicable in the Dominican Republic;
- (c) Children in conflict with the law.

1. The administration of juvenile justice (art. 40)

474. The State is responsible for protecting all children and adolescents against any form of abuse, ill-treatment or exploitation, regardless of the means used, including the use of the Internet or any other electronic channel. If such cases should occur, the violated or threatened rights must be restored through the application of the protection measures set out in the Code for

the System of Protection of the Fundamental Rights of Children and Adolescents (Act No. 136-03). The family and society as a whole must take part in and demand respect for this right.

475. Similarly, all children and adolescents have the right to personal integrity. This right includes respect for their dignity, and the inviolability of their physical, psychic, moral and sexual integrity, including the preservation of their image, identity, independent values, ideas, beliefs, space and personal belongings.

476. The family, the State and society are responsible for protecting them against any form of exploitation, ill-treatment, torture, abuse or neglect that may affect their personal integrity.

477. It is prohibited to arrest adolescents and thereby inflict any manner of ill-treatment on them. Handcuffs may be used only exceptionally, in the cases where there is no other way to protect the personal safety of the adolescent or in order to avoid injury to others.

478. In the event that there is some doubt as to whether an individual is a child or adolescent, he or she is presumed to be so until proven otherwise, in accordance with the terms established in the Code for the System of Protection of the Fundamental Rights of Children and Adolescents (Act No. 136-03).

479. When an individual claims to be a minor and does not possess a birth certificate, he or she must undergo specialized tests in order to ascertain his or her exact age. In any event, the young person is presumed to be a minor unless proven otherwise. The court with competence to rule in such matters is always the juvenile court.

480. For the purposes of applying precautionary measures and sanctions, the criminal justice system for adolescents draws a distinction between the following age brackets:

- (a) From the age of 13 up to and including the age of 15;
- (b) From the age of 16 up to the age of majority.

481. In no circumstances may children under the age of 13 be held criminally responsible. Consequently, they may not be detained, deprived of their liberty or punished by any authority whatsoever.

482. In the event that it is deemed necessary to deprive adolescents of their liberty, whether on a provisional basis or as the result of a final judgement, they must be placed in a specialized centre that corresponds to their sex, age and legal status.

483. The Judicial Police for children and adolescents was established as a supporting department of the juvenile criminal justice system. It 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 Office of the Public Prosecutor for children and adolescents.

484. This specialized department is staffed by both male and female officials who have been trained to work with adolescents and to respect human rights. At the time of arrest, they are

required to inform detained adolescents of their rights and to bring them promptly before the corresponding Office of the Public Prosecutor for children and adolescents. The department will be present in all National Police detachments in order to perform the duties assigned to it by the Code.

485. One of the procedural safeguards provided for in the Code is the principle according to which a special procedure must be followed to determine the criminal responsibility of an adolescent and the appropriate punishment to be applied. The procedure set out in the Code for the System of Protection of the Fundamental Rights of Children and Adolescents (Act No. 136-03) must be followed, and the legal safeguards, powers and rights laid down in the Constitution, the international treaties and the current legislation on criminal procedure must be fully respected.

486. Adolescents are entitled to have their privacy and that of their family respected, and for information relating to acts committed by them to be treated as confidential. Consequently, no information may be made public that either directly or indirectly allows for their identification.

487. Adolescents who are accused of committing or participating in a criminal offence shall be considered to be defendants (*imputados*). From the time of their detention, where applicable, or from the start of the investigation, such adolescents shall have the following rights:

(a) To know the reason for their detention and the authority that ordered it and to request the immediate presence of their parents, legal guardians or representatives;

(b) To submit evidence and to request the production of evidence;

(c) To be informed explicitly and clearly of the charges against them, including those pertaining to the assessment of the charge;

(d) To file an appeal against the reasons given for the sentence imposing the sanction that will be applied to them, without prejudice to the other rights recognized in the Code;

(e) To be assisted by defence counsel, and not to be required to make any statement without the assistance of counsel, under penalty of nullity;

(f) To meet with their counsel in strict confidentiality;

(g) To know the content of the investigation;

(h) Not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or to methods or techniques that influence or alter the exercise of their free will or state of conscience or that assail their dignity;

(i) To maintain effective contact, by telephone or any other means, immediately following their detention, with their family, counsel or the person they wish to inform about their detention or deprivation of liberty;

(j) To be brought before a judge or the public prosecutor without delay and, in any event, within the time limits established by the Code;

(k) Not to be brought before the media or to have their name, their address, the names of their parents or any other item of information that would enable them to be identified publicly to be revealed by the media;

(l) Not to be exhibited or apprehended in the community in a manner that damages their dignity or exposes them to danger;

(m) The foregoing list of rights is not exhaustive, and is therefore complemented by the relevant provisions contained in the Constitution, the international treaties, the Code of Criminal Procedure and other laws.

488. Any acts committed in violation of these rights and those resulting from them will be considered null and void.

489. Any judge, representative of the Public Prosecutor's Office, civil servant or police officer who violates any of these rights or permits them to be violated will be held personally liable and sanctioned in accordance with the provisions of the Code for the System of Protection of the Fundamental Rights of Children and Adolescents.

490. Hearings must be oral, private and adversarial in nature, and any disclosure of information concerning them is to be restricted to the report of the proceedings, under penalty of nullity. The following persons are required to be present at the hearing: the accused adolescent; his or her defence counsel; his or her parents or legal guardians; the representative of the Office of the Public Prosecutor for children and adolescents; and the necessary witnesses, experts and interpreters. In addition, the aggrieved party or his or her representative, and other persons deemed necessary by the judge, may also be present.

491. Once the presence of the parties has been verified, the judge declares open the hearing, explains to the adolescent the importance and significance of the hearing on the merits and requests the charges against him or her to be read out. The judge must ask the adolescent whether he or she understands the charges. If the adolescent responds in the affirmative, then pleas may be presented. If, on the other hand, the adolescent says that he or she does not understand the charges, the judge must explain them once again, and before proceeding with the hearing.

492. With regard to the statement of the accused adolescent, the purpose of this proceeding is to inform adolescents of the charges against them and of their right to remain silent. In no event may defendants be required to promise or to swear to tell the truth; nor will they be subjected to coercion or threats intended to force them to make a statement against their will; nor will charges be levied against them as a means of extracting a confession. Consequently, when an adolescent consents to make a statement, he or she must do so voluntarily and in the presence of his or her defence counsel. Adolescents may also request the presence of their parents, legal guardians or persons responsible. Failure to comply with this provision will have the effect of invalidating the proceedings and, when such cases arise, will entail the applicable administrative and criminal liability of the official responsible.

493. Once the criminal responsibility of the adolescent has been proved, whether on the basis of commission or participation in an infraction of the criminal law in force, and taking into account the assumptions enumerated in the foregoing paragraph, the judge will simultaneously, successively or alternatively impose on the adolescent, with the guarantee of proportionality, the following types of sanctions:

2. Socio-educational sanctions

494. The following sanctions will be applied:

- (a) Reprimand and warning;
- (b) Probation with compulsory attendance in comprehensive care programmes;
- (c) Community service;
- (d) Reparation of damage to the victim.

Guidance and supervision orders

495. The judge may issue the adolescent the following guidance and supervision orders:

- (a) Assignment to a particular place of residence or change of residence;
- (b) Cessation of communication with specified individuals;
- (c) Compulsory enrolment and attendance at formal educational establishment or other facility aimed at imparting training in an occupation or trade;
- (d) Compulsory work of some sort;
- (e) Obligation to receive medical treatment, whether on an outpatient or inpatient basis, or through a rehabilitation programme in a public or private institution for the purpose of detoxification and recovery from drug addiction.

496. In no circumstances may an adolescent be held liable for any failure to comply with socio-educational measures due to a lack of support on the part of the person or institution required to assist the adolescent in carrying out those measures.

3. Custodial-based sanctions

497. The following sanctions apply in this respect:

- (a) Obligation to remain at home;
- (b) Deprivation of liberty during free time or partial freedom;
- (c) Deprivation of liberty in specialized centres dedicated to that purpose.

B. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

498. 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.

499. 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:

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

500. The Office of the Public Prosecutor 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.

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

502. The Code for the System of Protection of the 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.

503. 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.

504. 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, the 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.

C. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

505. The purpose of sanctions is the education, rehabilitation and social integration of adolescents in conflict with the criminal law, and it is the duty of the judge responsible for applying such sanctions to ensure that the enforcement of sanctions fulfils that purpose.

506. In accordance with the principle of humanity, the enforcement sanctions must be based on the principle of the best interests of the sanctioned adolescent and respect for his or her dignity and fundamental rights.

507. For the purposes of enforcement, the necessary social work must be undertaken to ensure that adolescents who have been sentenced are able to pursue their long-term comprehensive personal development and integration into their families and society, as well as the full development of their abilities and sense of responsibility.

D. Physical and psychological recovery and social reintegration (art. 39)

508. Measures for the protection and recovery of rights are provisional and exceptional in nature, and are taken by the competent authorities in order to ensure the protection of the rights of children and adolescents in cases where those rights are threatened, infringed and/or flagrantly violated. Such exposure to risk, infringement or violation of rights may result from an action or omission on the part of any natural or artificial, public or private person.

509. Act No. 136-03 sets out measures of protection that offer alternative procedures for settling social conflicts. The aim of such procedures is, from the administrative standpoint, to relieve the courts of cases involving threats to infringements or flagrant violation of children's and adolescents' rights, provided that the actions of the persons involved do not constitute offences.

510. In applying and enforcing measures for the protection and recovery of rights, consideration must be given to the best interests of children and adolescents and to strengthening family and community ties. Such measures may be applied individually, cumulatively or alternatively.

511. Measures for the protection and recovery of rights may be applied whenever a child or adolescent is in a situation in which any of the safeguards or fundamental rights set out in book one, title II, of the Code are threatened, infringed or flagrantly violated for one of the following reasons:

- (a) As a result of some action or omission on the part of a public or private institution;
- (b) As a result of some failure, omission or abuse on the part of the parents, legal guardians or persons responsible;
- (c) As a result of some action or omission by the children or adolescents against themselves;
- (d) As a result of some action, omission or abuse on the part of an individual.

512. Measures of protection and recovery include:

(a) Orders issued to fathers, mothers, persons responsible and public or private officials to fulfil their duties and obligations in terms of giving effect to the fundamental rights of children and adolescents set out in book one, chapter II, of the Code;

(b) Orders issued to the respective authorities to fulfil their duties and obligations with respect to the rights to health and education set out in book one, chapters III and V, of the Code;

(c) Orders issued for the protection and recovery of the right of children and adolescents to be raised in a family, including placement in a foster family as a provisional measure that may be applied in exceptional cases, subject to the terms of article 476;

(d) Orders issued for the protection and recovery of the rights of children and adolescents whose rights have been flagrantly violated as a result of abuse, ill-treatment or labour, sexual or commercial exploitation, as set out in book one of the Code;

(e) Orders offering guidance to enable children and adolescents, fathers, mothers and those responsible to participate in family support programmes, alternative conflict settlements, parental training, as well as all other options that foster family cohesiveness and prevent and eliminate domestic violence;

(f) Orders issued to children and adolescents, fathers, mothers and those responsible to avail themselves of services and/or programmes offering physical, clinical and psychological treatment, where necessary.

513. In no circumstances may the application of the foregoing measures give rise to the placement, through administrative channels, of a child or an adolescent in a public or private institution, which may be decided only by a juvenile court, except as regards provisional placement in a foster family.

E. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation of children, including child labour (art. 32)

514. Children and adolescents have the right to be protected against economic exploitation. The State and society must design and implement policies, plans, programmes and protective measures aimed at eliminating child labour, especially in jobs defined as the worst forms of child labour. The family must contribute to achieving this objective.

515. The State is responsible for protecting children and adolescents against labour exploitation. It carries out this responsibility through the Ministry of Labour, in coordination with the National Council for Children and Adolescents (CONANI), pursuant to the provisions of the Labour Code, ILO Convention No. 138 concerning Minimum Age for Admission to

Employment and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, other international instruments ratified by the Dominican Republic, and any regulations and recommendations concerning child labour issued by the National Steering Committee to Combat Child Labour.

516. The Ministry of Labour and the Dominican Social Security System are responsible for ensuring that adolescents' rights with respect to employment and social security are protected and implemented. To that end, they establish regulations for all matters related to hiring, and in particular the type of work allowed and conditions of employment. These regulations must be established in coordination and consultation with workers' and employers' organizations, governmental and non-governmental institutions responsible for protecting the rights of working adolescents and whatever organizations they set up for the purpose of defending their rights.

517. The employment of young persons under the age of 14 is prohibited. Any person who, by whatever means, observes the violation of this prohibition must report the fact to the Ministry of Labour and the National Council for Children and Adolescents (CONANI), for these to take the necessary steps to ensure that the young person involved stops working and returns to school, if he or she is outside the education system.

518. The violation on the part of the employer of these provisions, whether by action or omission, constitutes a serious offence that is sanctioned under articles 720 et seq. of the Labour Code.

519. When employers who hire adolescents refuse to provide the reports, documents or workplace inspections requested by the competent authorities, they fail in their responsibility and will be sanctioned in accordance with the above-mentioned provisions.

520. The labour court is competent to impose sanctions. If necessary, the adolescent's testimony may be taken; such proceedings are always heard by the judges' council chamber.

2. Drug abuse (art. 33)

521. The Dominican Republic has promulgated Act No. 50-88 of 30 May 1988 on drugs and controlled substances and its amendments G.O. 9735 in order to address the problem of illicit drug consumption and trafficking, which recently has reached dramatic and alarming proportions due to the fact that our country is being used as an international bridging route.

522. Act No. 136-03 stipulates that the State, with the active participation of society, must provide policies and programmes to prevent the illicit use of alcoholic, narcotic and hallucinogenic substances. Likewise, it must provide permanent targeted programmes for the recovery of children and adolescents who are addicted to and who consume these substances.

3. Sexual exploitation and sexual abuse (art. 34)

523. Children and adolescents have the right to be protected against economic exploitation. The State and society must design and implement policies, plans, programmes and protective measures aimed at eliminating child labour, especially in jobs defined as the worst forms of child labour. The family must contribute to achieving this objective.

524. The State is responsible for protecting children and adolescents against labour exploitation through the Ministry of Labour, in coordination with the National Council for Children and Adolescents (CONANI), pursuant to the provisions of the Labour Code, ILO Convention No. 138 concerning Minimum Age for Admission to Employment and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, as well as other international instruments ratified by the Dominican Republic, and any regulations and recommendations on child labour issued by the National Steering Committee to Combat Child Labour.

525. The sale of children and adolescents, child and adolescent prostitution and child and adolescent pornography are prohibited.

526. The sale of children and adolescents is understood to mean any act or transaction whereby a child or adolescent is transferred by any person or group of persons to another for remuneration or any other consideration. Accordingly, sanctions will be applied to persons offering, delivering or accepting, by whatever means, a child or adolescent for the purpose of sexual exploitation, sale and/or use of the organs of the child, forced labour or any other purpose demeaning to the person of the child or adolescent.

527. Child and adolescent prostitution is understood to mean the use of a child or adolescent in sexual activities for remuneration or any other form of consideration.

528. Child and adolescent pornography is understood to mean any representation, by whatever means, of a child or adolescent engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child or adolescent for primarily sexual purposes.

4. Other forms of exploitation (art. 36)

529. The Dominican State is responsible for protecting all children and adolescents against all forms of abuse, ill-treatment and exploitation, regardless of the means used, including the use of the Internet or any other electronic channel.

530. In these cases, the violated or threatened rights will be recovered through the preventive measures provided for in Act No. 136-03. The family and society as a whole must take part in and demand respect for this right.

5. Sale, trafficking and abduction (art. 35)

531. The Convention on the Civil Aspects of International Child Abduction, which was ratified in May 2004, allows the protection of the rights of children and adolescents who have been wrongfully removed or retained abroad. Under the terms of the Code for the System of Protection of the Fundamental Rights of Children and Adolescents, if a person, beyond any duly recognized rights, retains a child or an adolescent, or removes him or her to a place or country other than that of his or her habitual residence without proper authorization, this is deemed to be wrongful removal or retention of a child or adolescent. The Office of the Public Prosecutor for

children and adolescents must ensure the return of the child or adolescent to the person legally responsible for his or her custody. If the removal was made to another country, the Office will approach the authorities of the foreign country to secure the return of the child or adolescent.

532. Act No. 137-03 on illicit trafficking of migrants and trafficking of human beings was passed in response to the millions of persons, primarily women, children and adolescents, who are tricked, sold, coerced or otherwise subjected to conditions of slavery, sexual exploitation, forced labour and other forms of human exploitation.

533. According to article 15 of Act No. 137-03, the Ministry for Women, the Ministry of Foreign Affairs, the Procurator-General, through the Department to Combat the Trafficking of Women, Children and Adolescents, the Office of Migration and the Inter-Agency Committee for the Protection of Migrant Women (CIPROM), must endeavour to implement fully the provisions of Act No. 137-03 and may establish the relevant legislation for its correct application.

F. Children belonging to a minority or an indigenous group (art. 30)

534. This is not relevant to the Dominican Republic.

X. OPTIONAL PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD

535. The following table contains a list of the status of ratification of international instruments by the Dominican Republic.

Instrument	Ratified	Date of ratification or status
Convention on the Rights of the Child	Yes	23 March 1991
Convention on the Elimination of All Forms of Discrimination against Women	Yes	25 June 1982
ILO Convention No. 138 concerning Minimum Age for Admission to Employment	Yes	15 June 1999
ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Yes	15 November 2000
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	No	Currently being processed by the Executive Branch for submittal to Congress for ratification

Table (continued)

Instrument	Ratified	Date of ratification or status
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	No	Signed 9 May 2002
Inter-American Convention to Prevent and Punish Torture	Yes	1987
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	No	Being processed
Convention on Protection of Children and Co-operation in respect of Intercountry Adoption	No	Being processed
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Convention of Belém do Pará”	Yes	1996
Inter-American Convention on International Traffic in Minors	No	Being processed
Hague Convention on the Civil Aspects of International Child Abduction	Yes	4 May 2004
Inter-American Convention on the International Return of Children	No	Being processed
