

DOMINICAN REPUBLIC

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		11 Jun 1991	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		6 Dec 2006 a	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		5 Feb 2008	
UN Optional Protocol on the Involvement of Children in Armed Conflict		14 Oct 2014	
UN Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction		11 Aug 2004 a (non-Member)	

In the Dominican Republic, there are three laws that refer directly or indirectly to missing children:

1. Penal Code (1999), as amended in 2007;
2. Code of the Minor (2003); and
3. Constitution of the Dominican Republic (2015).

General Child Protection

More than one million children in the Dominican Republic live in poverty and roughly 578,000 children under the age of 15 are without parental care.¹ Children are often abandoned by their parents due to factors such as child pregnancy, HIV infection, mental or physical disabilities, or parental incarceration.² Approximately 20% of children are orphans, with their parents having died of AIDS.³ Many of these children end up living in the streets, putting them at heightened risk for exploitation, violence, and crime.⁴

¹ General information on the Dominican Republic, SOS Children's Villages USA, at <https://www.sos-usa.org/where-we-are/americas/dominican-republic> (last visited Apr. 3, 2018).

² *Id.*

³ *Id.*

⁴ *Id.*

Approximately 15 percent of school-age children do not attend school and 13 percent of children are engaged in child labor.⁵ Commercial sexual exploitation of children by foreign tourists and locals, particularly in coastal resort areas, is a growing problem.⁶ The Dominican Republic is a source, transit, and destination country for victims of sex trafficking.⁷

On 11 June 1991, the Dominican Republic ratified the United Nations Convention on the Rights of the Child (CRC).⁸ To help implement the Convention, the Dominican Republic passed the Code for the Protection of Children and Adolescents in 1994, and the Code of the Minor in 1997. These were later repealed with the passing of the new Code of the Minor in 2003.⁹ The Code of the Minor establishes the basic rights of the child, as well as the duty of the state and society to guarantee their implementation. The Code of the Minor also seeks to alleviate serious problems affecting children in the Dominican Republic, which include but are not limited to juvenile delinquency, child maltreatment, and child abandonment.¹⁰ Additionally, the Code created the principle of the superior interest of the child, which dictates that the laws and codes of the nation should be interpreted based on that which would be in the child's best interest and would contribute to the child's fundamental development.¹¹

General Missing Child Issues

The Dominican Constitution does not directly address missing children, but Article 56 states that the family, society, and the State must prioritize the best interests of children and adolescents.¹² There is an obligation to assist and protect children so that they can grow and develop. Within the clauses of Article 56, the protection of children from "all forms of abandonment, kidnapping, state of vulnerability, abuse or physical, psychological, moral or sexual violence, commercial, labor, economic exploration and risky work" is expressly listed.¹³ Furthermore, the Penal Code as amended in 2007, underscores the child's place as an integral part of the family structure, and provides protections for children against domestic and family abuse.¹⁴

The Code of the Minor encompasses a broad array of child protection issues including; child abandonment, abduction, deprivation of liberty, and the illicit transfer of children.¹⁵

Definition of "Missing Child"

The Dominican Republic does not have specific legislation that provides a definition of a "missing child." According to the Code of the Minor, a "minor" is defined as a child from birth to 12 years of age, and an adolescent from 13 to 17 years of age.¹⁶

⁵ Save the Children, *Help Save Children in Dominican Republic*, at <https://www.savethechildren.org/us/what-we-do/where-we-work/latin-america/dominican-republic> (last visited Apr. 3, 2018).

⁶ General information on the Dominican Republic, *supra* note 1.

⁷ *Id.*

⁸ See, Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-11&chapter=4&clang=en (last visited Mar. 30, 2018) (on file with the International Centre for Missing & Exploited Children).

⁹ Code of the Minor, Ley No. 136 of 2003, at http://www.sespas.gov.do/oai/Documentos/Leyes/LEY_136-2003_QueCreaCodigoProteccionAlMenor_20130125.pdf (last visited Mar. 30, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁰ *Id.*

¹¹ *Id.*

¹² Constitution of the Dominican Republic of 2015, Article 56 - Protection of Minors, at https://www.constituteproject.org/constitution/Dominican_Republic_2015.pdf?lang=en (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

¹³ *Id.*

¹⁴ Penal Code of the Dominican Republic, Ley No. 24 of 1997 (amended 2007), at <http://www.wipo.int/wipolex/en/details.jsp?id=10813> (last visited Mar 29, 2018) (on file with the International Centre for Missing & Exploited Children).

¹⁵ Code of the Minor, *supra* note 9.

¹⁶ *Id.*

Abandonment

There are various provisions within the Dominican Republic's Penal Code that address child abandonment. Article 347 of the Penal Code states that whoever abandons a recently born child and does not turn this child over to an official of the state will be punished with two months to one year in prison and a fine between 500 and 5,000 pesos.¹⁷ Moreover, Article 348 states that any person who is in charge of taking care of children, who takes a child under the age of seven to a place with the purpose of abandoning that child, will be punished with two months to one year in prison, as well as a fine of between 500 and 5,000 pesos.¹⁸ Abandonment of a child under the age of seven, or that results in death, is for profit, or is executed by educators carries higher penalties and terms of imprisonment than does simple abandonment.¹⁹

Consejo Nacional Para la Niñez y La Adolescencia (National Council for Childhood and Adolescence; CONANI) is the administrative body of the National System for the Protection of the Rights of Children and Adolescents. Its goal is "to formulate, coordinate, integrate, supervise, execute, and evaluate public policies, programs and actions at the national, regional and municipal levels for the comprehensive protection of the Rights of Children and Adolescents."²⁰ CONANI offers a service called *Hogares de Paso* that serves as a "first reception center for children and adolescents at risk of personal, family or social risk and that their environment does not guarantee their safety."²¹ Although the service does not specifically mention missing or unidentified children, it mentions abandoned children and those whose rights have been violated.²²

Kidnapping and Abduction

Section 6 of the Penal Code of 1997, as amended in 2007, is dedicated exclusively to child kidnapping, abduction, and abandonment. Under Article 245, the Penal Code states that anyone who is guilty of child abduction will be penalized with imprisonment for five to ten years, and will be fined from 500 to 5,000 pesos.²³ Similarly, Article 355 of the Penal Code states that anyone who takes a child from its home will receive a five-year prison sentence, and be fined from 500 to 5,000 pesos.²⁴ In the new Code of the Minor of 2003, under Article 395, anyone who deprives a child or adolescent of their freedom, or proceeds to detain them without their having committed a flagrant crime, will be punished with imprisonment for six months to one year.²⁵

Parental Abduction

There are provisions within the Penal Code that address parental abduction. Article 357-1 states that any person who moves residences on account of a separation from their partner, and whose child resides with them, must notify any person who has legal visitation rights to the child of this change. Failure to do so will result in a prison sentence of six months and a fine of 500 to 10,000 pesos.²⁶

¹⁷ Penal Code of the Dominican Republic, *supra* note 14, at Article 347.

¹⁸ *Id.*

¹⁹ *Id.*, See also, Secretary of State for Women, Dominican Republic 2005, *Law 24-97 Modifications to the Dominican Criminal Code, Sanctions for Violence against Women, Domestic Violence, and Intrafamilial Violence*, Articles 349, 350, 351, and 351-1, at http://conani.gob.do/transparencia/images/docs/base_legal/repdom-viol1_24_97.pdf (last visited Apr. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

²⁰ Consejo Nacional Para la Niñez y La Adolescencia, *¿QUIÉNES SOMOS?*, at <http://conani.gob.do/index.php/sobre-nosotros/quienes-somos> (last visited Apr. 3, 2018) (on file with the International Centre for Missing & Exploited Children).

²¹ *Id.*

²² *Id.*

²³ Penal Code of the Dominican Republic, *supra* note 14, at Article 245.

²⁴ *Id.* at Article 355.

²⁵ Code of the Minor, *supra* note 9, at Article 395 – Penalty for Illegal Deprivation of Liberty.

²⁶ Penal Code of the Dominican Republic, *supra* note 14, at Article 357-1.

Article 405 of the Code of the Minor states that parents who abduct a child may face imprisonment of six months to one year and may also be fined.²⁷

The Dominican Republic is a signatory to the Hague Convention on International Child Abduction.²⁸ In addition, the country has strict travel and exit requirements for minors who currently reside within the Dominican Republic. In order to receive a passport for a minor, the child's birth certificate along with the mother's or father's identity card or current passport must be provided. If the child lives with a legal guardian rather than the parents, then the parents must provide a notarized affidavit authorizing the legal guardians to complete the passport process.²⁹ If the child lives with one parent, then the non-custodial parent must grant permission by way of a notarized affidavit for the child to be issued a passport.³⁰ Any child traveling alone, or not accompanied by both parents, must present written, notarized authorization from a parent or legal guardian.³¹

Article 55, Clause 10 of the Constitution of 2015 states, "The State promotes responsible paternity and maternity. The father and the mother, even after separation and divorce, have the shared and non-renounceable duty to feed, raise, train, educate, support, and provide safety and assistance to their sons and daughters. The law shall establish the necessary and appropriate methods to guarantee the effect of these obligations."³²

Reporting Mechanism

The Dominican Republic does not have a specific hotline or mechanism to report missing children. However, the public is encouraged to report information on missing persons to the National Police's specialized Department of Missing Persons.³³ There is a 48-hour waiting period before a person will be registered as disappeared in police records.³⁴

The National Police launched an app in 2017 – "Your PoliciApp RD" – that allows the public to report crime and other illicit acts; provides geo-referenced locations of Police Assistance points; directly connects individuals with the 911 emergency number; and has a panic button for domestic/gender violence victims.³⁵ Users can provide anonymous reports about crimes and submit related multimedia files such as photographs and videos.³⁶ In addition, the public can report crime generally through the National Police website.³⁷

The Dominican Republic also operates several emergency phone lines: 911 to report a situation that requires immediate attention or treatment because it endangers the life or a person or their property³⁸;

²⁷ Code of the Minor, *supra* note 9, at Article 405 – Penalty for Retention and Illicit Transfer.

²⁸ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, *Status Table*, at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24> (last visited Apr. 25, 2018).

²⁹ General Consulate of the Dominican Republic in California and the U.S. Western Region, *Passports*, at <http://www.consulatedrwest.com/en/services/passports> (last visited Apr. 3, 2018).

³⁰ *Id.*

³¹ General Consulate of the Dominican Republic in California and the U.S. Western Region, *Authorization Travel Letter for Minor*, at <http://www.consulatedrwest.com/en/services/authorization-travel-letter-for-unaccompanied-minor> (last visited Apr. 3, 2018).

³² Constitution of the Dominican Republic of 2015, *supra* note 12, at Article 55, Clause 10 – Rights of the Family.

³³ *Cada Día Desaparecen Entre Tres y Cinco Personas*, LISTIN DIARIO, Feb. 6, 2012, at <http://www.listindiario.com/la-republica/2012/2/6/220709/Cada-dia-desaparecen-entre-tres> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

³⁴ *Id.*

³⁵ Cristian Paulino, *National Police set up a mobile application to report crimes*, National Police Directorate of Strategic Communications, Dec. 28, 2017, at <http://www.policianacional.gob.do/policia-nacional-pone-a-funcionar-aplicacion-movil-para-reportar-delitos/> (last visited Apr. 12, 2018).

³⁶ *Id.*

³⁷ National Police of the Dominican Republic, *Online Report*, at <http://www.policianacional.gob.do/reporte-en-linea/> (last visited Apr. 12, 2018).

³⁸ Linea 911, National Emergency and Security Assistance System, *Telephone Assistance*, at <https://911.gob.do/servicios/asistencia-telefonica/> (last visited Apr. 12, 2018).

700 for the prevention and reporting of child abuse and allegations of trafficking in persons³⁹; and 311 for complaints and claims concerning government services and public servants.⁴⁰

Investigation of Missing Child Cases

The Department of Investigations for Missing People is the unit of the Dominican Republic's National Police in charge of missing persons cases. On 17 September 2017, the General Directorate of the National Police declared the strengthening of the department in light of the increase in the number of people reported missing.⁴¹ The National Police also houses a specific unit in charge of investigating all issues related to children and adolescents called the Judicial Police for Boys, Girls, and Adolescents. This division assists in the investigation of a missing child case once a report is filed.⁴²

An individual must be missing for 48 hours before a missing person report can be filed.⁴³ After that time has elapsed, the police request a photo of the child and a list of places the child was last seen.⁴⁴ Then, the police notify all investigative agencies in the country of the information they have found.⁴⁵ There are no time limits for investigations of missing persons cases; investigations continue until the person is found.⁴⁶

The International Committee of the Red Cross (ICRC) manages Restoring Family Links, a movement dedicated to helping connect family members displaced by conflict.⁴⁷ The Dominican Red Cross, together with the ICRC and National Red Cross and Red Crescent Societies abroad, helps people in the Dominican Republic look for family members in another country.⁴⁸ They work to restore links between family members separated as a result of armed conflict or other situations of violence; natural or man-made disasters; migration (in coordination with the General Directorate for Migration - Dirección General de Migración); or in other situations of humanitarian need.⁴⁹

Case Management System

The Dominican Republic does not currently have a case management system for missing children.

National Database

There is no national database specific to missing children in the Dominican Republic. There are however, two databases that can be utilized in the search for a missing child: the national birth registration database; and the biometric database. The challenge presented by using the birth registration records for identification is that many people are unaccounted for as the registration cost

³⁹ Official Website of the Dominican State, E-Citizen Services, *Línea 700*, at <http://www.gob.do/index.php/servicios-en-linea/centro-de-atencion-ciudadana-cac/ccg/linea-700> (last visited Apr. 12, 2018).

⁴⁰ Línea 311, at <http://www.311.gob.do/servicios/linea-700/> (last visited Apr. 12, 2018).

⁴¹ *PN fortalece departamento de desaparecidos y busca más implicados en asalto a general*, CDN DIGITAL, Sep. 17, 2017 at <http://www.cdn.com.do/2017/09/17/pn-fortalece-departamento-desaparecidos-busca-mas-implicados-asalto-general/> (last visited Apr. 3, 2018).

⁴² Nelson Rosario, *Familias no Informaron Desaparición de Jóvenes*, LA REPUBLICA, Mar. 17, 2017 at <https://www.listindiario.com/la-republica/2017/03/16/457933/familias-no-informaron-desaparicion-de-jovenes> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴³ *Id.*

⁴⁴ *Cada Día Desaparecen Entre Tres y Cinco Personas*, *supra* note 37.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ International Committee of the Red Cross, *Restoring Family Links*, at www.familylinks.icrc.org/en/Pages/home.aspx (last visited Apr. 11, 2018) (on file with the International Centre for Missing & Exploited Children).

⁴⁸ International Committee of the Red Cross, *Restoring Family Links in the Dominican Republic*, at <https://familylinks.icrc.org/en/pages/countries/dominican-republic.aspx> (last visited Apr. 11, 2018).

⁴⁹ *Id.*

increases when not completed within 90 days of a child's birth.⁵⁰ As of 2014, 12 percent of children under the age of five were not registered.⁵¹

In addition, through the issuance of Identity and Electoral Cards (CIE), the official identification document for citizens of the Dominican Republic, fingerprints, facial features, and other important information is collected and included in a biometric database.⁵² This biometric database contains information on more than seven million individuals, both nationals and foreigners who legally reside in the country.⁵³

Alert Mechanism

The Dominican Republic does not currently have an alert mechanism or rapid notification system for alerting the public about missing children.

Distributor of Electricity of the East (EdeEste) started a campaign for the disappeared.⁵⁴ The company prints the names and photos of missing persons in a particular area on the back of the monthly invoices as part of their corporate social responsibility efforts. They distribute more than 400,000 invoices monthly which allows the company to reach a large number of people who may be able to provide useful information regarding missing persons.⁵⁵ The campaign is carried out in coordination with the missing person's relatives. In order for the missing person's photo to be published, a photo suitable for publication, the full name of the missing person, and the police report certifying that a missing person complaint was made must be brought in-person to the EdeEste administrative office located in "Megacentro" and a request for publication made to the marketing department.⁵⁶

Awareness-Raising Initiatives

An initiative by the Inter-Institutional Commission against the Abuse and Commercial Sexual Exploitation of Children and Adolescents aims to remind citizens of the Dominican Republic that everyone is responsible for protecting children.⁵⁷ The Commission is made up of the Dominican State Prosecutors Office, CONANI, the National Hotels and Restaurants Association (ASONAHORES), and the Ministries of Tourism and Labour, with the support of the United Nations Children's Fund (UNICEF), sponsorship from the Italian Cooperation Agency and the creative support of the Cumbre Nazca Advertising Agency.⁵⁸ The campaign has been translated into four languages and uses radio, television, billboards, posters, leaflets and garbage can posters with "hard-sitting slogans" such as, "Children are not sexual toys," and "Their innocence is not for sale."⁵⁹

While these awareness-raising initiatives are not directly related to missing children, they have helped to create the National System for the Protection of the Rights of Children and Adolescents. This is an organization composed of members of various governmental agencies that focus on issues related to

⁵⁰ UNICEF: Global Databases, *Birth Registration*, Nov. 2017, at https://data.unicef.org/wp-content/uploads/2015/12/Birth_registration_Nov-2017.xlsx (last visited Apr. 12, 2018) (on file with the International Centre for Missing & Exploited Children).

⁵¹ *Id.*

⁵² Official Portal of the Dominican State, *Smart Identification*, at <http://www.gob.do/index.php/politicas/2014-12-16-20-56-34/politicas-para-el-buen-gobierno/identificacion-inteligente> (last visited Apr. 12, 2018).

⁵³ *Rosario Márquez quiere su gestión sea recordada por poner "rostro humano" a la JCE*, JUNTA CENTRAL ELECTORAL, Aug. 11, 2016, at <http://jce.gob.do/Noticias/Rosario-Marquez-quiere-su-gestion-sea-recordada-por-poner-rostro-humano-a-JCE> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

⁵⁴ *EdeEste: A Campaign for the Disappeared*, LISTIN DIARIO, Aug. 8, 2011, at <https://www.listindiario.com/larepublica/2011/08/08/198853/una-campana-por-los-desaparecidos> (last visited Apr. 12, 2018).

⁵⁵ *Id.*

⁵⁶ Information obtained by telephone by ICMEC staff member to the Distributor of Electricity of the East (EdeEste) office, Apr. 25, 2018.

⁵⁷ *Children are not sexual toys: Campaign for the prevention of commercial sexual exploitation*, UNICEF, at https://www.unicef.org/republicadominicana/english/resources_12803.html (last visited Apr. 3, 2018).

⁵⁸ *Id.*

⁵⁹ *Id.*

children and has a goal of creating measures to increase the overall well-being of children and adolescents.⁶⁰

Trafficking

The Dominican Republic is a Tier 2 country according to the U.S. Department of State 2017 Trafficking in Persons (TIP) Report, meaning that the government does not fully meet the minimum standards for the elimination of trafficking as based on the Trafficking Victims Protection Act (TVPA) but it is making significant efforts to do so.⁶¹

The Dominican Republic is a source, transit, and destination country for trafficked individuals, often coming from Haiti and exploited by tourists.⁶² Adult prostitution is legal in the Dominican Republic and the country is a destination for sex tourism.⁶³

The commercial sexual exploitation of Dominican children by foreign tourists as well as by Dominican residents is particularly prominent in coastal resort areas of the Dominican Republic, which rely more heavily on the tourist industry.⁶⁴ According to the 2017 TIP Report, NGO research has indicated that sex trafficking of 15- to 17-year-old girls occurs on streets, in parks, and on beaches in these coastal areas.⁶⁵ There are documented cases of children forced into domestic service, street vending, begging, agricultural work, construction, and moving illicit narcotics.⁶⁶ The TIP Report also states that unofficial border crossings remain unmonitored and porous, leaving individuals recruited to work in the agricultural and construction sectors vulnerable to human trafficking.⁶⁷

There are several pieces of legislation in place to address human trafficking in the Dominican Republic. Law No. 137-03 deals with illicit trafficking in migrants and trafficking in persons. While not specific to children or adolescents, it classifies the crime of smuggling migrants or trafficking in persons under the age of 18 years to be an aggravated offense.⁶⁸ Article 1 defines trafficking in persons as, “the recruitment, transport, reception or reception of persons, resorting to threats, force, coercion, abduction, fraud, deceit, abuse of power, or situations of vulnerability or the granting or receipt of payments or benefits to obtain the consent of a person who has authority over another, for the purpose of exploitation, to exercise any form of sexual exploitation, pornography, debt bondage, forced labor or services, servile marriage, irregular adoption, slavery and/or analogous practices, or the removal of organs.”⁶⁹

⁶⁰ The Convention on the Rights of the Child in the Dominican Republic, 2007, at https://www.unicef.org/republicadominicana/english/advocacy_partnerships_12552.htm (last visited Mar. 29, 2018).

⁶¹ U.S. Department of State, 2017 Trafficking in Persons Report – Dominican Republic 154, at <https://www.state.gov/documents/organization/271339.pdf> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶² *Id.*

⁶³ *Child sex tourists do 'dirty business' with impunity in Dominican Republic*, REUTERS, Jun. 16, 2017, at <https://www.reuters.com/article/us-dominican-sexcrimes/child-sex-tourists-do-dirty-business-with-impunity-in-dominican-republic-idUSKBN19727B> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶⁴ *Id.*

⁶⁵ U.S. Department of State, *supra* note 61 at 156.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Law No. 137-03 on Illicit Trafficking in Migrants and Trafficking in Persons, Article 7 – Aggravating Circumstances, at <https://www.oas.org/dil/esp/Ley%20N%C2%B0%20137-03%20Sobre%20Tr%C3%A1fico%20Il%C3%ADcito%20de%20Migrantes%20y%20Trata%20de%20Personas%20Republica%20Dominicana.pdf> (last visited Mar. 29, 2018) (on file with the International Centre for Missing & Exploited Children).

⁶⁹ *Id.* at Article 1 – Definitions.

Article 396 of the Code of the Minor states that if a person is found guilty of child abuse or exploitation and that person has trafficked the child, or has been linked to traffickers or the sale of children or adolescents, they will be punished with double the maximum penalty for the crime.⁷⁰

Furthermore, Article 406 of the Code of the Minor states that anyone who promotes or lends help, assistance, or is complicit in the transfer of a child or adolescent abroad for profit or other illegal purposes, is in violation of legal provisions and shall be punished by a penalty of imprisonment for four to six years and a fine of 10 to 30 minimum wage days.⁷¹

⁷⁰ Code of the Minor, *supra* note 9, Article 396 – Penalty for Abuse of a Child.

⁷¹ Code of the Minor, *supra* note 9, Article 406 – Penalty for the Illicit Transfer of a Child Abroad.