

Dominican Republic

National Child Protection Legislation

National Legislation

- Age of Consent: **18 years old**
[Code for the protection of the rights of children and adolescents](#) (Law No. 136/03)
Principle II (General Principles)
A child is considered every person from his birth to twelve years, inclusive; and adolescent, from thirteen years until reaching adulthood.

[Penal Code](#)
Art. 331
Any act of sexual penetration, of any kind, constitutes a violation. whatever it is, committed against a person through violence, constraint, threat or surprise...the violation will be punished with imprisonment from ten to twenty years and a fine of one hundred thousand to two hundred thousand pesos when it is committed against a child or adolescent...
- Age of Marriage: **21 years for females; 25 years for males**
[Civil Code](#)
Art. 148
The son who is not twenty-five years old, and the daughter who has not turned twenty-one, cannot contract marriage without the consent of their parents.
- Age of Criminal Responsibility: **13 years**
[Code for the protection of the rights of children and adolescents](#) (Law No. 136/03)
Art. 223
For the purposes of application of precautionary measures and sanctions, the criminal justice of the adolescent will differentiate the following age scale:
 - 1.- From 13 to 15 years, inclusive;
 - 2.- From 16 years until reaching the age of majority.
Paragraph.- Children under thirteen (13) years old, under no circumstances, are criminally responsible, therefore they cannot be detained, deprived of their liberty, or sanctioned by any authority.

- **Extraterritoriality**

- [Penal Code](#)

- Section II**

- Infractions committed outside the territory of the Republic**

- Art. 14 (113)**

- The criminal law shall be applied to all facts that Dominican legislation qualifies crime committed by a national outside the territory of the Republic.

It will also apply to crimes committed by Dominicans outside the territory of the Republic if these facts are sanctioned by the legislation of the country where they have been committed.

This article has application even in the case in which the offender has acquired the Dominican nationality after the fact that is imputed to him.

Art. 15 (113) The criminal law shall be applied to any crime or offense punishable by deprivation of liberty, committed by a Dominican or a foreigner outside the territory of the Republic, when the victim is a Dominican national at the time of the offense, even when the offender is a Dominican diplomatic or consular agent, or is abroad fulfilling a special mission on behalf of the Dominican State.

Art. 16 (113) In the cases foreseen in the two previous articles, the prosecution of the infractions will be exercised at the request of the public prosecutor, and it must be preceded by a complaint of the victim or his assignees or official denunciation by the authority of the country where the infraction has been committed.

Art. 17 (113) In the cases provided for in articles 14 and 15, no persecution may be exercised against a person who justifies having been judged definitively abroad for the same acts and, in case of condemnation, that the penalty has been complied or is prescribed.

[Criminal Code of Procedure](#)

Art. 155.- Cooperation

The judges and the public ministry must provide maximum cooperation to the requests of the foreign authorities as long as they are formulated in accordance as provided for in international medicines and in this code. In cases of urgency, the judge or the public prosecutor, as appropriate, they can direct, by any means, requirements of some judicial authority or administrative, in which case it subsequently informs the Secretary of State for External Relations.

Art. 160.- Extradition

Extradition is governed by the Constitution, the rules of treaties, agreements and agreements adopted by the public authorities and their law special in what does not oppose this code.

Art. 161.- Active extradition

When you have news that an accused in relation to whom the accusation has been presented and a measure of coercion deprivation of liberty has been issued, is in a foreign country, the competent judge or court has the power to order the processing of his extradition, on request of the public prosecutor or of the parties. The Ministry of Foreign Affairs certifies and do the translations when appropriate and submit the request before the foreign government within a maximum period of two months.

Art. 162.- Passive extradition

The request for the extradition of a person who is in the territory of the Dominican Republic must be sent by the Executive Power to the Supreme Court of Justice so that it decides what corresponds.

Art. 163.- Measures of coercion

The Criminal Chamber of the Supreme Court of Justice can order the application of measures of coercion in relation to the person requested in extradition, provided that the existence of a sentence or an order, the nature of the fact is clearly determined punishable and it is a case in which the prison proceeds preventive according to this code in accordance with the current international law. In case of urgency a measure of coercion can be ordered, including

preventive detention, for a maximum period one month, even if not all of the documents required for the origin of the extradition. Presented the corresponding documentation, the measure can be extended up to two months, except when the treaties establish a longer term. The request for pretrial detention can be made by any reliable and is immediately communicated to the Secretariat of State of External Relations.

Art. 164.- Procedure

Having received an extradition request, the Criminal Chamber of the Supreme Court of Justice is convened in an oral hearing within thirty days the request. The hearing will consist of the accused, his defense counsel, the public prosecutor, and a representative from the requesting state, who will present their allegations. After the hearing, the Supreme Court decides within 15 days.

Art. 165.- Lawyer

Foreign States may designate a lawyer to determine your interests in this procedure.

- **Dual Criminality**

Not in Criminal Procedure Code-left to relevant treaties.¹

- **Mandatory reporting requirements**

[Code for the protection of the rights of children and adolescents](#)

Art. 14 –Right for abuse to be reported

The professionals and officials of the areas of health, pedagogy, psychology, social work and law enforcement officers, directors and officials, both public and private, and any other person who in the performance or not of his/her functions had knowledge or suspects a situation of abuse or violation of the rights of children and adolescents, are bound to report it to the competent authorities, being exempt from criminal and civil liability, with respect to the information they provide.

- **Obligations of Educational Institutions**

None Found.

- **Prohibition to hold certain positions**

[Criminal Code of Procedure](#)

Art. 41.- Rules

The judge, when deciding on the suspension, fixes the trial period, not less than one year or more than three, and establishes the rules to which the accused is subject, among the following:

- 1) Reside in a certain place or submit to the vigilance indicated by the judge;
- 2) Refrain from visiting certain places or people;
- 3) Refrain from traveling abroad;
- 4) Abstain from the abuse of alcoholic beverages;
- 5) Learn a profession or trade or follow courses of training or training indicated in the decision;

¹ See, Conference of the States Parties to the United Nations Convention against Corruption, at https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/ImplementationReviewGroup/ExecutiveSummaries/V1383895_e.pdf (last visited Jul. 10, 2018) (on file with the International Centre for Missing & Exploited Children).

- 6) Providing work of public utility or community interest in a state institution or organization without for profit, outside of their usual hours of remunerated job;
- 7) Abstain from carrying or holding weapons; and
- 8) Refrain from driving motor vehicles outside the work, in cases where the fact that is attributed is related to a violation of the rules regarding transit of vehicles.

▪ **Employment Law**

[Labor Code](#)

PRINCIPLE I

Work is a social function that is exercised with the protection and State assistance. This must ensure that the rules of labor law are subject to its essential purposes, which are human welfare and social justice.

PRINCIPLE II

Everyone is free to engage in any profession and trade, industry or commerce permitted by law. No one can prevent others from working or force them to work against your will.

PRINCIPLE III

The purpose of this Code is to regulate the rights and obligations of employers and workers and provide the means of reconciling their respective interests. It enshrines the principle of cooperation between capital and work as the basis of the national economy. Regulates, therefore, labor relations, individual and collective, established between workers and employers or their professional organizations, as well as the rights and emerging obligations of the same, due to the provision of a subordinate job. Does not apply to public officials and employees, except contrary provision of this law or the statutes specials applicable to them. Nor does it apply to members of the Armed Forces and of the National Police. However, it applies to workers who provide services in state companies and their official bodies autonomous industrial, commercial, financial or transport.

PRINCIPLE IV

The laws concerning work are territorial. They apply without distinction to Dominicans and foreigners, except for derogations accepted in international agreements. In relations between individuals, the lack of provisions specials is supplemented by common law.

PRINCIPLE V

The rights recognized by law to workers, not may be subject to waiver or conventional limitation. Any agreement to the contrary is null.

PRINCIPLE VI

In the matter of work, rights must be exercised, and obligations executed according to the rules of good faith. Abuse of rights is unlawful.

PRINCIPLE VII

Any discrimination, exclusion or preference is prohibited based on reasons of sex, age, race, color, ancestry national, social origin, political opinion, trade union militancy or religious belief, except for the exceptions provided by law for the protection of the worker's person. The distinctions, Exclusions or preferences based on qualifications required for a particular job are not covered in this prohibition.

- **Criminal Law - Defamation**

[Law No. 53-07 Against High Technology Crimes](#)

Art. 21.- Defamation

Defamation committed through electronic means, computer, telematic, telecommunications or audiovisual services, will be punishable with the penalty from three months to a year in prison and a fine of five to five hundred times the minimum wage.

[Penal Code](#)

Paragraph II defamation, libel, disclosure of secrets.

Art. 367 - defamation is the allegation or imputation of a fact, that attacks the honor or reputation of the person or body to which it is charged. Describes insult, any expression outrageous, any invective or term of contempt, which is not an attribution of a specific fact.

Art. 368 - Public defamation or insult directed against the Head of State, is punished with a penalty of three months to one year in prison and a fine of ten to a hundred pesos and the accessory during a period equal to the condemnation of absolute disqualification and special civil and political rights referred to in Article 42.

Art. 369 - defamation or insult made to members or representatives in Congress, the Secretaries of State, to the judges of the Supreme Court or the courts of first instance or to the heads and Sovereign of friendly nations, shall be punished with imprisonment from one to six months and a fine of fifty pesos.

Art. 370 - be imposed separately or jointly, the sentences of eight days to three months of imprisonment, and a fine of between five to twenty-five pesos, to those who are accused of the crime of defamation against the depositaries or agents of the public authority, or against the ambassadors and other diplomats accredited in the Republic.

Art. 371 - The defamation of individuals shall be punished with imprisonment of six days to three months and a fine of five to twenty-five pesos.

Art. 372 - insult made to one of the persons referred to in Article 369, shall be punished with a fine of twenty to one hundred pesos, and imprisonment of between eight days and three months; and which is directed to individuals, will be punished with a fine of five to fifty pesos.

Art. 373 - so that it has application the above provisions, has to attend the circumstance of the advertising of the defamation or insult. The insult that does not have the dual character of the advertising and imputation determined, shall be punished with imprisonment of simple police.

Art. 374 - will not be considered offensive or defamatory, or give rise to any procedure, speeches made in the legislative chambers, nor the reports, reports and other documents which are printed by disposition of the Congress, the Executive or the Judiciary. Neither will rise to any action, the account of the faithful who in good faith den newspapers of the public meetings of the Congress, nor the writings produced or the speeches before the courts of justice; however, in the latter case can the judges, to hear the merits, send to abolish the writings offensive or defamatory and even impose disciplinary penalties to the attorneys who have produced. The facts foreign to the cause, may d may give rise to the public action or to the civil, when the courts have reserved that right to the parties or to third parties.

Sexual Offenses Against Children

[Code for the protection of the rights of children and adolescents](#) (Law No. 136-03)

Art. 25. – Prohibition of Commercialization, Prostitution and Pornography

The commercialization, prostitution and use in pornography of children and adolescents is prohibited.

Paragraph I. - It is understood as commercialization of children and adolescents act or transaction under which a child and adolescent is transferred by a person or group of people to another, in exchange for remuneration or any other retribution. For these purposes, the offer, delivery or acceptance by any means of a child or adolescent, for the purpose of sexual exploitation, sale and / or use of their organs, work forced or any other destination that denigrates the person of the child or adolescent.

Paragraph II.- The prostitution of children and adolescents is understood as use of any of these or these in sexual activities in exchange for remuneration or any other compensation.

Paragraph III.- It is understood as the use of children and adolescents in pornography, any representation, by any means, of children and adolescents, engaged in explicit, real or simulated sexual activities or any representation of Genital parts of children and adolescents for primarily sexual purposes.

[Law No. 53-07 Against High Technology Crimes](#)

Art. 23.- Sexual Attack

The act of carrying out a sexual attack against a child, girl, adolescent, incapacitated or mentally alienated, by using a system of information or any of its components, will be sanctioned with penalties of three to ten years of imprisonment and fine from five to two hundred times the minimum wage.

Art. 24.- Child Pornography

The production, diffusion, sale and any type of marketing of images and representations of a child or adolescent with pornographic character in the terms defined in the present law, will be sanctioned with penalties two to four years in prison and a fine of ten to five hundred times the minimum wage.

Paragraph.- Acquisition and Possession of Child Pornography. The acquisition of pornography by means of an information system for oneself or another person, and the intentional possession of child pornography in an information system or any of its components, will be sanctioned with the penalty of three months to one year in prison and a fine of two to two hundred times the minimum wage.

[Penal Code](#)

Art. 216 (222)

Sexual assault other than rape shall be sanctioned with the penalties of seven years in prison and RD \$ 14,000.00 fine, when they are committed to the detriment of:

- 1 ° A child or adolescent;
- 2 ° A person whose particular vulnerability, due to his age, to an illness, to an incapacity, to a physical or psychic deficiency or to a state of pregnancy is apparent or known by its author.

Art. 217 (222)

The infraction defined in the previous article will be sanctioned with the penalties of ten years of prison and RD \$ 20,000.00 fine, when committed:

- 1 ° Originating injury or injury to the victim;
- 2° By an ascendant or descendant in any degree or by the biological ascendants, when this link is apparent or known by the author; or by the adoptive father or mother; or by anyone with authority over the victim;
- 3 ° By a person who abuses the authority conferred by his functions;
- 4 ° By several persons acting as author or accomplice;
- 5 ° With use or threat of use of a weapon.

Art. 218 (222)

The attempt of the crimes foreseen by articles 214 to 217, will be sanctioned with the same penalties.

Art. 220 (222)

Sexual harassment is the act of urging, persecuting or molesting another person with requirements, orders or threats; imposing constraint or exerting serious pressure, in order to obtain favors of a sexual nature, for themselves or for third parties, by a person who abuses the authority conferred by their functions. This infraction will be sanctioned with the penalties of one year in prison and RD \$ 3,000.00 fine.

Art. 221 (222)

Individuals guilty of the infractions provided for in this chapter shall also be subject to one, several or all of the following additional penalties:

- 1 ° The prohibition, according to the modalities foreseen by article 68 of exercising the professional or social activity in the exercise of which or on the occasion of whose exercise, the infraction has been committed;

Art. 222 (222)

Individuals guilty of the infractions provided for in sections I and III of this chapter shall be subject to one, several or all of the following penalties:

- 1 ° The interdiction, according to the modalities foreseen by article 67 of the civic, civil and family rights;
- 2 ° The prohibition, according to the modalities foreseen by article 68 of exercising a public function;
- 3° The prohibition, definitively or for a period of no more than ten years, of exercising a charitable activity that involves habitual contact with children or adolescents.

Art. 248 (224)

Arrest is apprehending or arresting a person to deprive him of his freedom.

To abduct is to take a person with him using deception or violence, for sexual purposes.

Kidnapping is the kidnapping that is done without sexual purposes, but with the purpose of keeping hidden the kidnapped people, to demand money, the release of one or more prisoners or the fulfillment of any other condition, in exchange for granting them freedom.

The fact of arresting, kidnapping or abducting, without order of the constituted authorities and outside the cases foreseen by law, one or more persons, will be sanctioned with the penalty of twenty years of imprisonment.

The first two paragraphs of Article 113, relating to the security period, will apply to this infraction.

However, if the person arrested, abducted or kidnapped is voluntarily released before the fifth day after his / her deprivation of liberty, the penalties shall be five years in prison and RD \$ 10,000.00 fine, except in the cases provided for in the following article.

Art. 249 (224)

When the infraction provided for in the preceding article has caused mutilation or permanent disability, intentionally caused, or as a result of the arrest, abduction or kidnapping, or deprivation of food or care, shall be punishable by thirty years of imprisonment.

When said offense is preceded or accompanied by torture or acts of barbarism, or when it is followed by the death of the victim, the penalty shall be increased to forty years of imprisonment.

The first two paragraphs of article 113, relating to the security period, shall apply to the offenses provided for in this article.

Art. 250 (224)

When the infraction provided for in article 248 is committed in an organized gang or with any other plurality of agents, to the detriment of one or more persons, it shall be punished by thirty years of imprisonment.

The first two paragraphs of Article 113, relating to the security period, will apply to this infraction.

However, if the arrested person is voluntarily released within the period provided for in the third paragraph of Article 248, the offender will be sentenced to ten years' imprisonment and RD \$ 20,000.00 fine, unless the victim, or one of the victims, has suffered one of the attacks. to their physical integrity mentioned in the previous article.

Art. 251 (224)

If the person arrested, abducted or kidnapped has been held hostage, to prepare or facilitate the commission of a crime or offense; or to favor the escape or ensure the impunity of the perpetrator or accomplice of a crime or crime; or to obtain the execution of an order or a condition, particularly the payment of a ransom, the infraction provided for in article 248 shall be punishable by thirty years of imprisonment.

The first two paragraphs of Article 113, relating to the security period, will apply to this infraction.

Except in the cases provided for in article 249 if the person taken hostage under the conditions defined in the first paragraph of this article is voluntarily released before the fifth day after the day of his deprivation of liberty, without the order or condition has been executed, the penalties will be ten years in prison and RD \$ 20,000.00 fine.

Art. 252 (224)

When the victim of one of the crimes provided for in articles 248 to 251 is a child or adolescent, if the offense is punishable by thirty years of imprisonment, the penalty shall be increased to forty years of seclusion; and if the infraction is sanctioned with the penalty of twenty years of imprisonment, the penalty will be increased to thirty years of imprisonment.

The first two paragraphs of Article 113, relating to the security period, shall apply in the cases provided for in this article.

Paragraph 1 - Attempt to professional secrecy

Art. 299 (226)

The fact of disclosing information of a secret nature, made by a person depository of the same, be it by state or by profession, or by reason of a function or a temporary mission, shall be sanctioned with the penalties of one year in prison and RD \$ 3,000.00 fine.

Art. 300 (226)

The previous article shall not apply in cases where the law imposes or authorizes the disclosure of the secret. Nor will it apply:

1° To whom he informs the judicial, medical or administrative authorities, sevicias or privations, including sexual assaults, of which he has knowledge and that have been inflicted on a child or adolescent, or a person who is not in conditions to protect themselves because of their age or physical or mental condition;

2° To the doctor who, with the consent of the victim, informs the competent judicial authorities of the abuses he has found in the exercise of his profession and that allow him to presume the commission of sexual violence or of any physical nature.