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Dominican Republic: Domestic violence, including legislation, state protection and support services available to victims (2011-September 2015)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Situation and Statistics

Sources report that high incidence of domestic violence in the Dominican Republic is a serious concern (AI Feb. 2012, 10; UN 6 Mar. 2015, para. 31). According to the US Department of State's Country Reports on Human Rights Practices for 2014, violence against women, including domestic abuse, rape, and femicide in the Dominican Republic is a "chronic" problem (US 25 June 2015, 1). Amnesty International (AI) similarly reports that "[v]iolence against women and girls remain[s] widespread" (AI 25 Feb. 2015). The Guardian, a London-based newspaper, states that violence against women is "exacerbated by the belief that machismo - that peculiarly Latin American brand of misogyny - and the subjugation of women is just part of the culture" in the Dominican Republic (23 Nov. 2012).

Country Reports 2014 indicates that the National Police reported more than 1,331 women being killed due to gender-based violence between January 2008 and October 2014 (US 25 June 2015, 28). The Ministry of Women [Ministerio de la Mujer] indicated that there were 136 femicides between January and 15 October 2014, and the National Police reported 160 cases in 2013 (ibid.). According to the Gender Violence Unit at the National Police, 34 women died as a result of domestic violence between January and August 2013 and 60 women in the same period of 2014 (ibid.). Listín Diario, a Santo-Domingo-based newspaper, reports that 71 women were killed by their current or former partner in the Dominican Republic in 2013 and 88 in 2014 (17 Feb. 2015).

The Guardian suggests that domestic violence in Dominican Republic is underreported due to "women's lack of trust in the system, or knowledge about the availability of resources to get help" (23 Nov. 2012). Country Reports 2014 states that "[d]espite government efforts to improve the situation, violence against women continued to be pervasive" (US 25 June 2015, 28).

2. Legislation

Article 42 of the Constitution condemns domestic and gender violence "in all its forms" (Dominican Republic 2015, Art. 42(2)). Country Reports 2014 indicates that

[1]the law criminalizes violence against women, and the state can prosecute rape, incest, sexual aggression, and other forms of domestic violence. Penalties for these crimes range from one to 40 years in prison and fines from 700 to 245,000 pesos ($15.95 to $5,582). The penalties for rape, including spousal rape, range from 10 to 15 years in prison and a fine of 100,000 to 200,000 pesos ($2,278 to $4,556). (US 25 June 2015, 27)
According to the same report, the amended penal code punishes domestic violence with four to 10 years' imprisonment and a significant fine. When domestic violence causes the victim's incapacitation for more than 90 days, the offender faces a prison sentence of 10 to 20 years, while those causing permanent injury or damage face a maximum 30 years of imprisonment. (ibid.)

Law 24-97 on domestic violence, enacted in 1997, modifies Article 309 of the Penal Code to read as follows:

[translation]

Art. 309-2.- Domestic or family violence is construed as any pattern of conduct using physical force or psychological violence, verbal intimidation or persecution against any person maintaining a relationship of coexistence, against a spouse, former spouse, live-in partner or ex-partner or consensual partner, or against the person with whom a son or daughter has been procreated, to cause physical or psychological harm to the person or damage to their property, whether by the father, mother, guardian, caregiver, spouse, former spouse, partner, ex-partner or consensual partner or person under whose authority, protection or care the family is living.

Those guilty of offences under the two preceding articles [309-1 on violence against women and 309-2] shall be punished with a sentence of imprisonment for a term of at least one year and at most five years, and a fine of five hundred to five thousand pesos and the restitution of property destroyed, damaged and hidden, if applicable.

Art. 309-3.- Those guilty of violent offences shall be punished with imprisonment for a term of five to ten years, should one or more of the following facts concur:

- Penetrating into the home or accommodations of the spouse, former spouse, live-in or former partner, or consensual partner, and committing violent acts in such a home or accommodations when they are separated or a protection order has been issued compelling the person to vacate the residence of a spouse, ex-spouse, partner, consensual partner or ex-partner.
- When serious bodily harm is caused to the person;
- When the aggressor carries a weapon in circumstances that do not involve the intention of killing or maiming the person;
- When violence is exercised in the presence of children and adolescents, over and above the provisions of Articles 126-129, 187-191 of the Code of Protection of Children and Adolescents (Law No. 14-94);
- When the acts are accompanied by threats of death or destruction of property;
- When freedom is restricted for any reason whatsoever;
- When the violation was committed after the issuance of a protection order in favor of the victim;
- When inducing, inciting or compelling the person, man or woman, to become intoxicated with alcoholic or intoxicating beverages or to take drugs or controlled substances by any means or substance altering the will of the person.

Art. 309-4.- In all cases referred to in the preceding paragraphs, the court shall order the protection of the victims of violence, and the aggressor shall in no case qualify for mitigating circumstances in his favor. In these cases, the court shall also condemn the perpetrator to the restitution of any property that was destroyed, damaged or hidden.

Art. 309-5.- In all cases under this title, the court shall additionally impose on offenders mandatory attendance at therapeutic or family guidance programs for a period of at least six (6) months in a public or private institution. The fulfillment of this sentence and its results will be monitored by the court.

Article 309-6.- The protection order established in Article 309-4 is issued by the court of first instance as a pre-trial measure foreseeing one or all of the following sanctions:

- Order to refrain from bothering, intimidating or threatening a spouse, ex-spouse, partner, ex-partner or consensual partner or from interfering with the temporary or final care or custody order issued under the law or a court order;
- Order to evict the aggressor from the residence of a spouse, ex-spouse, partner, ex-partner or consensual partner;
- Forbidding access to the residence of the spouse, former spouse, partner, ex-partner or consensual partner;
- Forbidding approach to places frequented by the spouse, ex-spouse, partner, ex-partner or consensual partner;
• Forbidding the victim to hide children they may have in common or move them elsewhere;
• Order committing the victim to a home or shelter managed by a public or private entity;
• Order to provide health care and counseling services to the entire family by public or private bodies;
• Order to submit financial reports on the management of common property and of the company, business, shop or other common gainful activity;
• Prohibition to sell, dispose of, conceal or transfer property owned by the victim or common property;
• Order to replace destroyed or hidden property;
• Order to take protective measures in respect of the possession of common goods and furniture in the place of residence of the family;
• Order to compensate the victim of violence without prejudice to any civil actions that might be applicable, for legal expenses, medical treatment, psychiatric and career counseling, accommodation and other similar expenses.

Article 309-7.- The court dealing with the case and in charge of judging the infringement shall ratify the protection order, decreasing or increasing, as appropriate, its content as an additional penalty. Compliance with the protection order shall be controlled by the Court. (Dominican Republic, Art. 3)

3. State Protection

According to the website of the Ministry of Women, domestic violence incidents can be reported at district attorney's offices (fiscalías) or to the police (ibid. n.d.a). Sources indicate that the Attorney General's Office oversees specialized units that provide assistance to victims of domestic violence (The Guardian 23 Nov. 2012; US 25 June 2015, 28). Country Reports 2014 states that as of 2014, there were 17 units in the country's 32 provinces (ibid.). Victims of domestic violence can file a complaint in these offices and obtain free legal, psychological and medical assistance (ibid.). The Guardian notes that the units "are primarily stationed in urban areas" and receive "little financial help" from the government (23 Nov. 2012). According to Country Reports 2014, police had instructions to forward all domestic violence and sexual assault cases to these offices. Each office had professional psychologists on staff to counsel victims of violence and to assess the threat of impending danger associated with a complaint. These offices had the authority to issue temporary restraining orders immediately after receiving complaints and to serve as messengers for the victims to prevent contact between the victim and the abuser. (US 25 June 2015, 28)

The website of the Ministry of Women indicates that the ministry has 31 provincial and 21 municipal offices across the country, which oversee the implementation of programs and projects for women on a local level and provide legal and psychological assistance to women (Dominican Republic n.d.b). The Ministry of Women, through its Programs for Equality (Programas de Igualdad), runs projects and activities that promote women's rights and aims to prevent violence, among others (ibid. n.d.c, 3). For example, as part of the national program designed to empower and assist women victims of violence, the Ministry of Women provided vehicles to provincial offices in order to rescue women from violence in the following provinces: La Vega, La Altagracia, Santiago Rodríguez, Puerto Plata, Duarte, Samaná, San Juan de la Maguana, Azua, Peravia and Santo Domingo (ibid. n.d.b). This service is available 24 hours a day, 365 days a year (ibid.). Country Reports 2014 notes that the Ministry of Women, which promotes equality and implements education and awareness programs in order to prevent violence against women, had "scarce resources" (US 25 June 2015, 29).

Decree 423-98 created the National Commission on Preventing and Combating Domestic Violence (Comisión Nacional de Prevención y Lucha contra la Violencia Intrafamiliar, CONAPLUVI) (Dominican Republic 5 Mar. 2013, 1). The Ministry of Women's Department for the Prevention of Violence (Departamento de Prevención a la Violencia) coordinates CONAPLUVI, which includes 14 public institutions and civil society organizations responsible for providing assistance to victims of domestic violence, and oversees the assistance process (ibid. n.d.c, 3-4).

Without providing details, Country Reports 2014 states that NGOs and the government conducted training programs on domestic violence and legal rights (US 25 June 2015, 29). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. According to AI, women's rights groups continued to criticize the lack of coordination among relevant national institutions, the inadequacy of the budget allocated to preventing and punishing gender-based violence, and the failure to implement the agreed protocols for the provision of care to victims of gender-based violence. (AI 25 Feb. 2015)
Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 Police

*Country Reports 2014* indicates that between January and June 2014, there were 7,910 restraining orders issued by the police to protect victims of domestic violence (US 25 June 2015, 28). Information on the effectiveness of restraining orders could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to *Country Reports 2014*,

[...the Office for the Attention of Women and Interfamily Violence integrated tens of newly graduated police officers trained by the NGO Profamilia as well as the Attorney General’s Office. The office... was linked to the emergency call lines to facilitate quick response services. The emergency call lines are now linked to the newly implemented 911 Emergency Response System. According to the Women’s Ministry, the 911 Emergency System received 386 phone calls related to domestic violence since its opening in May through October 15 [2014]. The system served Santo Domingo and surrounding areas only. The Office for the Attention of Women and Interfamily Violence has a trained police officer in six of the 17 satellite violence prevention and attention unit offices. In cases involving violence, officers were authorized to enter the victim’s domicile without a court order to provide victim protection. During the year the office trained approximately 5,000 police officers on assisting victims of gender violence. (ibid., 29)]

A deputy attorney general quoted by the *Guardian* in 2012 stated that “police and others in the criminal justice system are ignorant about the severity of domestic abuse, harboring cultural prejudices that lead to blaming the victim” (*The Guardian* 23 Nov. 2012). *Country Reports 2014* similarly reported that, according to NGOs, "while adequate laws were in place, the law enforcement response was not effective in preventing gender violence" (US 25 June 2015, 29).

3.2 Judiciary

*Country Reports 2014* indicates that, according to the Attorney General’s Office, there were more than 34,310 gender-based violence complaints received nationwide between January and June 2014 (ibid., 28). *Hoy*, a Santo-Domingo-based newspaper, reports that in the first 11 months of 2014, there were 60,587 cases of domestic violence and gender-based violence reported to the Attorney General’s Office throughout the country, with a little over 50 percent of the incidents taking place in the provinces of Santo Domingo, Santiago, San Cristóbal and Puerto Plata (*Hoy* 18 Dec. 2014). Without providing details, AI indicates that, according to the Attorney General’s Office, there was a “substantive increase” in the number of convictions related to gender-based violence in 2014 (AI 25 Feb. 2015). Further information on the number of convictions could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

*Country Reports 2014* states that

the Attorney General’s Office instructed all its officers throughout the country not to conciliate cases of violence against women and to continue judicial processes—even in cases in which victims withdraw charges. District attorneys were instructed to provide assistance and protection to victims of violence by referring them to appropriate institutions for legal, medical, and psychological counseling. Furthermore, the Attorney General’s Office instructed all its officers that investigations and presentation of charges must be concluded within 35 days unless the case was considered complex. (US 25 June 2015, 28)

According to the same report, it is reported that the number of cases of violence against women received in 2014 “exceeded the [attorney] general’s capacity to deal with the situation” (ibid.). *Country Reports 2014* also notes that, according to NGOs, the judicial system “lacked the resources to prosecute perpetrators successfully” (ibid., 29). A 2013 report by the United Nations Committee on the Elimination of Discrimination Against Women similarly states that there is a “limited number of prosecutions and convictions of perpetrators of violence against women” in the Dominican Republic (UN 30 July 2013, para. 24).

4. Support Services

4.1 Shelters

Sources indicate that Law 88-03 on the establishment of shelters was passed (Dominican Republic 5 Mar. 2013, 2; AI Feb. 2012, 11) in 2003 (ibid.). According to the website of the Ministry of Women, shelters (*Casas de Acogida*) accept women and their children under 14 years old and provide legal, psychological, medical and other support during their stay in the shelters (Dominican Republic n.d.c, 6). Sources indicate that
there are two shelters operated by the government (AI Feb. 2012, 11; US 25 June 2015, 29) for victims of domestic violence, in undisclosed locations (ibid.). Country Reports 2014 indicates that both shelters provide short-term and mid-term assistance for up to three months (ibid.). According to AI, one [shelter] provides accommodation only for very short periods while the other can accommodate women and their children for up to three months. Women at risk and their children are mostly forced to take refuge in the homes of family and friends. This makes them more easily located by their aggressor and increases risks to their safety. (AI Feb. 2012, 11)

Without providing details, the website of the Ministry of Women indicates that shelters accommodated 255 women in 2014 (Dominican Republic n.d.e). Country Reports 2014 notes that the number of shelters is "inadequate" for women's needs (US 25 June 2015, 29). The UN Human Rights Committee noted in a 2012 report that there was inadequate protection for women victims of violence in "rural areas where there [were] no competent judicial authorities or shelters or residences" (UN 19 Apr. 2012, para. 11).

4.2 Emergency Hotlines

According to sources, there is an emergency hotline for victims of violence, including victims of domestic and gender-based violence, run by the Ministry of Women (Fundación Vida Sin Violencia n.d.; Dominican Republic 5 Mar. 2013, 2) 24 hours a day (ibid.). According to the website of the Ministry of Women, there were 5,699 calls received through the hotline between 20 June 2012 and 28 February 2015 (ibid. n.d.d). In a statement presented at the 57th Session of the UN Commission on the Status of Women, in March 2013, the minister of Women said that there was another hotline "for the care of people in violent situations," run by the Public Ministry (ibid. 5 Mar. 2013, 2). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Further information on hotlines and other types of support services could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Additional Sources Consulted

**Oral sources:** Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer; Dominican Republic – Defensor del Pueblo, Fiscalías, Procuraduría General de la República; Fundación Vida Sin Violencia; Instituto de Derechos Humanos Santo Domingo; lawyers in the Dominican Republic.

**Internet sites, including:** Coalición de ONGs por la Infancia República Dominicana; Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer; Council on Hemispheric Affairs; Dominican on line; Dominican Republic – Cámara de Diputados, Defensor del Pueblo, Fiscalía del Distrito Nacional, Ministerio de Interior y Policía, Ministerio de Salud Pública y Asistencia Social, Portal víctimas de maltrato abuso y hostigamiento sexual, Procuraduría General de la República; eci.net; El Nacional; Factiva; Freedom House; Global Foundation for Democracy and Development; Human Rights Watch; Justicia República Dominicana; La Jornada; Latin America Bureau; Profamibia; UN – Refworld, UN Women, WomenWatch; vLex República Dominicana.

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