



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Organization Chart	Dominican Republic: Domestic violence, including legislation, protection, services and recourse available to victims (2007 - September 2010)	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References	Violence against women in the Dominican Republic is considered a serious problem (Freedom House 2010; US 11 Mar. 2010, Sec. 6; <i>El Nuevo Diario</i> 21 Mar. 2010). The Director of the Women's Support Centre (Núcleo de Apoyo de la Mujer), which is based in Santiago de los Caballeros, stated that the Dominican Republic is ranked as one of the countries most affected by domestic violence ( <i>El Nuevo Diario</i> 19 Feb. 2010). In 14 September 2010 correspondence with the Research Directorate, a representative of the Santo Domingo Human Rights Institute (Instituto de Derechos Humanos Santo Domingo, IDHSD) in the Dominican Republic stated that [translation] "physical and sexual violence in the domestic environment are very widespread phenomena in the country."	
Publications		
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Statistics	The news source <i>La Nación Dominicana</i> , which is based in Santo Domingo, reports the Secretary of State for Women (secretaría de la Mujer) as saying that, in 2007, 89 women were killed by their partners (21 Jan. 2009). Similarly, statistics from the Office of the Attorney General of the Republic (Procuraduría General de la República) indicate that in 2007 there were 89 [translation] "intimate femicides," meaning that the victim had an intimate, familial, or live-in relationship with her murderer (Dominican Republic n.d.b).	
Research		
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Issue Papers and Country Fact Sheets	According to the National Commission for the Prevention and Struggle against Intrafamily Violence (Comisión Nacional de Prevención y Lucha Contra la Violencia Intrafamiliar, CONAPLUVI), in 2008 there were 121 femicides where women were killed by their partner ( <i>La Nación Dominicana</i> 21 Jan. 2009; <i>El Nuevo Diario</i> 19 Jan. 2009). However, the Office of the Attorney General of the Republic reports 131 intimate femicides for the same year (Dominican Republic n.d.b).	
Responses to Information Requests		
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News	According to the Director of the Women's Support Centre, in 2009 there were 170 women killed by their partner ( <i>El Nuevo Diario</i> 19 Feb. 2010). In contrast, the Office of the Attorney General of the Republic indicates that in the same year there were 92 intimate femicides (Dominican Republic n.d.b).	
Information Sheets		
Media Relations		
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Completed Access to Information Requests	The news agency EFE reports that the Joint Attorney for Affairs of Women (procuradora adjunta para Asuntos de la Mujer) stated that between January and July 2010, 51 women were killed by their partner (Agencia EFE 27 July 2010). However, statistics from the Office of the Attorney General of the Republic indicate that, in the period of January to June 2010, there were 57 intimate femicides	

## Proactive Disclosure

(Dominican Republic n.d.b).

*El Nuevo Diario*, a news source based in the Dominican Republic, reports that a public prosecutor in Santiago stated that approximately 2,000 official complaints of mistreatment were made by men against their female partner in 2009 (18 Apr. 2010).

According to a scientific study conducted in the Dominican Republic's National District by the investigative journalism program "*Tras las Huellas*" (Behind the Footprints), there were 8,000 complaints of domestic violence made by women, and [translation] "a significant increase in the violation of Law 24-97 on Intrafamily Violence [(*Ley 24-97 sobre Violencia Intrafamiliar*)]" (*El Nuevo Diario* 27 Feb. 2010).

Further information on the "*Tras las Huellas*" study and on domestic violence statistics in the Dominican Republic could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## Legislation

Law 24-97, which was enacted in 1997, states that the Dominican Republic is signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará Convention) (Dominican Republic 1997).

Law 24-97 establishes the following provisions [translation by the Multilingual Translation Division of the Translation Bureau]:

**Art. 309-2.-** Domestic or intrafamily violence consists of any pattern of behaviour involving physical force or psychological or verbal violence, intimidation or persecution, against one or more members of the family or against anyone living in a household, against a spouse, ex-spouse, common law partner or ex-common law partner or consensual partner, or against a person with whom [the aggressor] has had a child, causing physical or psychological harm or damage to that person or her/his property, committed by the father, mother, tutor, guardian, spouse, ex-spouse, common law partner, ex-common law partner or consensual partner, or by any person under whose authority, protection or care the family lives.

Those responsible for the offences stated in the preceding articles will be punished by no less than one year in prison and no more than five years in prison, and a fine of five hundred thousand pesos, as well as providing compensation for destroyed, damaged or hidden property, if applicable.

**Art. 309-3.-** A punishment of five to ten years in prison will be applicable to persons found guilty of violence involving one or more of the following factors:

- a) Intrusion in the home or lodgings of the spouse, ex-spouse, common law partner, ex-common law partner or consensual partner, and committing there actions that constitute violence, when the persons are separated or when a protection order has been issued, ordering the other spouse, ex-spouse, common law partner, ex-common law partner or consensual partner to abandon the home or lodgings;
- b) When serious physical harm is caused to the person;
- c) When the aggressor is carrying a weapon in circumstances that do not involve the intention to kill or mutilate; ...
- g) When the offence is committed after a protection order has been issued for the victim; ...

**Art. 309-4.-** In all the cases stated in the preceding articles, the court will issue a protection order for the victim of the violence and will not, under any circumstances, consider extenuating circumstances that would benefit the aggressor. In such cases, the court will also sentence the aggressor to provide compensation for property that has been destroyed, damaged or hidden.

...

**Art. 309-6.-** The protection order established in Art. 309-4 is a step taken prior to the investigation, trial and sentence handed down by the court of first instance. It contains one or all of the following provisions:

- a) Order to refrain from bothering, intimidating or threatening the spouse, ex-spouse, common law partner, ex-common law partner or consensual partner, or interfering in the permanent or temporary custody [of a child] granted by law or by judicial order;
- b) Order to remove the aggressor from the residence of the spouse, ex-spouse, common law partner, ex-common law partner or consensual partner;
- c) Prohibition against access to the residence of the spouse, ex-spouse, common law partner, ex-common law partner or consensual partner;
- d) Prohibition against approaching places frequented by the spouse, ex-spouse, common law partner, ex-common law partner or consensual partner;
- e) Prohibition against the victim [sic] moving or hiding common children;
- f) Order for the victim to be placed in a shelter or refuge operated by public or private organizations;

...

**Art. 331.-** Any act of sexual penetration of any kind constitutes an offence when committed against a person through the use of violence, force, threat or surprise. Rape will be punished by ten to fifteen years in prison and a fine of between one hundred thousand and two hundred thousand pesos. ...

**Art. 332.-** The same punishment will apply to persons who impose non-consensual sexual activity on a spouse, in any of the following cases:

- a) Through the use of force, violence, intimidation or threat;
- b) If the spouse's ability to resist has been removed in any way without his or her consent; ... (Dominican Republic 1997)

According to the United States (US) Department of State's *Country Reports on Human Rights Practices for 2009*, a rape suspect can be prosecuted without the victim pressing charges, and charges can be laid against spouses (US 11 Mar. 2010, Sec. 6). However,

[v]ictims often did not report cases of rape because of fear of social stigma, as well as the perception that the police and the judiciary would fail to provide redress. Police were reluctant to handle rape cases and often encouraged victims to seek assistance from [non-governmental organizations] NGOs. (ibid.)

### **Implementation of the legislation**

*El Nuevo Diario* reports that, according to the Public Prosecutor, the majority of family violence complaints in the province of Montecristi are the result of

domestic violence, and usually a reduced number reach the courts due to the promotion of reconciliation (6 Apr. 2010). Furthermore, when [translation] "complaints of intended aggression" (*denuncias de intento de agresión*) are received, the Montecristi prosecutor office solicits a judge for a [translation] "notarial act that obligates the man to leave the house and also impedes him from visiting places [the woman] frequents, amongst other measures" (*El Nuevo Diario* 6 Apr. 2010).

*El Nuevo Diario* reports that the scientific study conducted by "*Tras las Huellas*" shows that there are 7,286 protection orders that are issued per year in the National District (27 Feb. 2010). A study conducted by the Unit for Intervention and Prevention of Violence (Unidad de Atención y Prevención de la Violencia) found that, during the period from January to July 2010, there were 534 protection orders issued in San Cristobal for women that were being harassed by their ex-partner (*El Nuevo Diario* 1 Sept. 2010).

Further information on the implementation of legislation on domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### **Protection and social services for victims**

Nationally, according to a report by the Ministry of Women (Ministerio de la Mujer), there are 14 Units of Intervention for Victims of Gender and Intrafamily Violence and Sexual Crimes (Unidad de Atención a Víctimas de Violencia de Género, Intrafamiliar y Delitos Sexuales) (Dominican Republic May 2010, 21). According to *El Nuevo Diario*, the Attorney General of the Republic also created the Joint Attorney General for Women's Affairs (Procuraduría General Adjunta para Asuntos de la Mujer), as well as prompting all the offices to [translation] "solicit severe sanctions against the aggressors" (6 Apr. 2010).

*Country Reports 2009* notes that the National District has one Violence Prevention and Attention Unit with 14 satellite offices at which victims can file criminal complaints (US 11 Mar. 2010, Sec. 6). The police are charged with forwarding all sexual and domestic violence cases to these offices, which offer free legal, medical and psychological attention (*ibid.*). The offices can also issue temporary restraining orders and act as intermediaries between the victim and the alleged abuser (*ibid.*). In 14 September 2010 correspondence with the Research Directorate, the IDHSD representative noted that the Unit provides an integrated approach to cases of intrafamily violence and includes members in legal, medical, social, and administrative fields, as well as the police. Organizations involved with the Unit include the National Council for Children and Adolescents (Consejo Nacional para la Niñez y la Adolescencia, CONANI), the Children and Adolescents Tribunal (Tribunal de Niños, Niñas y Adolescentes, Tribunal de NNA), and the Provincial Women's Office (Oficina Provincial de la Mujer, OPM) (IDHSD 14 Sept. 2010).

There is one Support Centre for Survivors of Violence (Centro de Atención a Sobrevivientes de Violencia) in the National District, which opened in 2007 (Dominican Republic n.d.). The report by the Ministry of Women also indicates that there is a Recovery Centre for Survivors of Violence (Centro de Recuperación para Sobrevivientes de Violencia) (*ibid.* May 2010, 21). According to a document written and provided by the Coordinator for the Department of Gender Violence of the Attorney General of the National District (Departamento de Violencia de Género de la Fiscalía del Distrito Nacional), in August 2008, the Centre for Intervention on the Behaviour of Men (Centro de Intervención conductual para Hombres) was opened (*ibid.* 27 Sept. 2010). Two sources indicate that therapy programs for aggressors exist in the Dominican Republic (Dominican Republic May 2010, 21; *El Nuevo Diario* 19 Jan. 2009).

The Ministry of Women has 54 Provincial and Municipal Offices for Women

(Oficinas Provinciales y Municipales de la Mujer) to support victims of violence (Dominican Republic May 2010, 21; *El Nuevo Diario* 19 Jan. 2009).

The representative of IDHSD indicates that the Provincial Office for Women (Oficina Provincial de la Mujer, OPM) offers services to victims of violence, such as legal aid and psychological assistance, especially in crisis situations, and works on the community level promoting prevention, providing training and financial support to women in need of legal and psychological aid (IDHSD 14 Sept. 2010). *Country Reports 2009* indicates that the "Attorney General's Office, the Secretariat of Women, and various NGOs conducted outreach and training programs on domestic violence and legal rights..." (US 11 Mar. 2010, Sec. 6). The Attorney General's Office also "launched a national hotline for prevention and victim assistance" (ibid.).

According to *Country Reports 2009*, there are five offices of the National Directorate for Assistance to Victims, three of which are in Santo Domingo (ibid.). The offices provide protection and counselling services to victims, as well as medical referrals, and receive criminal complaints and coordinate the efforts of government and NGOs (ibid.).

According to the IDHSD representative, organizations such as the Unit, OPM, CONANI and the Children and Adolescents Tribunal experience difficulties supporting women at risk because there are not enough of them that can take the women in or provide the women with assistance in restarting their life (IDHSD 14 Sept. 2010).

### Shelters

There are two shelters for women and children in danger (Dominican Republic May 2010, 21; *El Nuevo Diario* 19 Jan. 2009). *Country Reports 2009* notes that the Ministry of Women operates two shelters at undisclosed locations where victims of domestic violence can receive counselling and submit reports to police (US 11 Mar. 2010, Sec. 6). Amnesty International (AI) reports that, in 2009, there was one functional shelter in the country, according to women's rights organizations (AI 20 Apr. 2009, 5).

Furthermore, according to the IDHSD representative, transporting victims of family violence to shelters is difficult because the only shelters offered are in Santo Domingo and Santiago, and vehicles are not available (IDHSD 14 Sept. 2010).

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.

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### Additional Sources Consulted

**Oral sources:** Attempts to contact Centro de Apoyo Aquelarre (CEAPA), Centro de Ayuda para la Mujer (CAM), and Centro de Investigación para la Acción Femenina (CIPAF) were unsuccessful. Procuraduría General de la República, Secretaría del Estado de la Mujer (SEM), Unidad de Atención y Prevención de Violencia, and Universidad Autónoma de Santo Domingo (UASD) did not respond within the time constraints of this Response.

**Internet sites, including:** Centro de Estudios Sociales y Demográficos (CESDEM), European Country of Origin Information Network (ecoi.net), Human Rights Watch, Parlamento Centroamericano (CAP), Policía Nacional de la República Dominicana, Procuraduría Fiscal del Distrito Nacional, Procuraduría General de la República, United Nations (UN) Division for the Advancement of Women (DAW), UN Secretary General's database on violence against women.

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