

**Dominican Republic
Office of the Attorney General
Anti-Corruption Department**

Update of the Reply to the Questionnaire Sent by the Committee of Experts on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption, sent August 12, 2004

INTRODUCTION

The Dominican Republic (48,607 Km²) is situated on the island of Santo Domingo, which it shares with the Republic of Haiti (27,000 Km²), forming part of the Greater Antilles (Cuba, Jamaica, and Puerto Rico), between the Caribbean Sea and the Atlantic Ocean.

Its territory is comprised of 31 provinces and a National District, which is the location of the capital, Santo Domingo de Guzmán. The provinces have a Civil Governor, representing the President of the Republic, with limited governing authority.

The provinces are divided into 146 Municipios, and further subdivided into Municipal Districts, Sections, and Neighborhoods.

1. Brief Description of the Legal-Institutional System of the Dominican Republic.

The Dominican Republic is a unitary State whose government is divided into legislative, executive, and judicial branches, which exercise their functions independently.

The **legislative branch** consists of a Congress composed of a Senate and Chamber of Deputies, whose members are elected by direct vote every four (4) years in general elections scheduled two years after the presidential elections.

The **executive branch** consists of a President elected every four (4) years by direct vote in general elections separate from the congressional and municipal elections. The President may be re-elected for a single term. There is a Vice President elected in the same manner.

The **President** is the head of government, commander-in-chief of the armed forces and the police, and appoints Public Prosecutor, Deputy Prosecutors and other staff of the Public Prosecutor's Office upon recommendation of the National Council of Prosecutors.

Disputes between officials and public agencies, and between the agencies and private parties, are settled by the Superior Administrative Tribunal, composed of judges of the Accounts Chamber of the Dominican Republic.

Internal control of the administration and public funds is exercised by the Office of the Comptroller General, whose head is a presidential appointee. External control is exercised by the Accounts Chamber, which is elected by the Senate from presidential nominees and presents an annual financial statement to Congress. Congress approves or rejects the report of revenue and investments that must be submitted by the executive branch

The **judicial branch** consists of the Supreme Court, elected by the National Magistrates' Council, chaired by the President of the Republic and composed of four (4) legislators and two (2) members of the Supreme Court.

The other courts in the judicial system are: the Appeals Court, Court of First Instance, Magistrate's Court, Justices of the Peace, Lands Court, and other special courts established by the Constitution and laws, with administrative and budgetary autonomy.

Judicial tenure has existed since 1998. Once the Supreme Court appoints judges they may not be removed except through disciplinary action.

The Dominican government also comprises decentralized and autonomous agencies. The latter include the local government councils of the municipios, administered by a trustee or mayor, who applies resolutions and ordinances of the local councils, which are elected by direct vote every four (4) years.

The electoral organs are headed by a Central Electoral Board (JCE) and by municipal boards it supervises. The Central Electoral Board has two (2) chambers, one litigious and one administrative, each composed of four (4) judges, who together with the chair of the JCE are appointed for four (4) years by the Senate.

The Ombudsman post was recently established by law as an independent organ to supervise the proper operation of the civil service and protect citizens' personal and collective rights, but the position has not yet been filled.

Basic individual, social, civil, and political rights are guaranteed in the Constitution, legislation, and international instruments ratified by Congress. The Constitution guarantees legal security in accordance with prior legislation. Laws cannot be retroactive except to favor convicted persons and those in trial.

Due process is guaranteed by the Constitution and legislation, with various resources and mechanisms to defend and guarantee basic rights. Any individual may file an action with the Supreme Court to challenge the constitutionality of any law, decree, or resolution that runs contrary to the Constitution.

CHAPTER ONE

MEASURES AND MECHANISMS REGARDING STANDARDS OF CONDUCT FOR THE CORRECT, HONORABLE, AND PROPER FULFILLMENT OF PUBLIC FUNCTIONS (ARTICLE III, 1 AND 2 OF THE CONVENTION)

1. General standards of conduct and mechanisms

- a. Are there standards of conduct in your country for the correct, honorable and adequate fulfillment of public functions? If so, briefly describe them and list and attach a copy of the related provisions and documents.***

The Constitution provides, in Article 102, that "Penalties established by law shall be applied to any persons who, for personal gain, take public funds or use their positions in agencies of the State or its organs or autonomous institutions for their own economic benefit. Penalties shall also be applied to persons who have favored colleagues, family members, acquaintances, friends or others. In these cases and any others no person shall be criminally liable for the acts of another." Law No. 672 of 1982 establishes a code of conduct for law enforcement officials, requiring them to oppose and prosecute all corrupt acts.

Law 14-91 of March 20, 1991 on the Civil Service and the Administrative Career provides in Article 23 that civil servants must respect work regulations and ethical principles for conduct of public officials.

Regulation 81-94 of March 29, 1994 for the Civil Service and the Administrative Career, in Articles 128 to 131, establishes ethical standards for civil servants, with general duties and restrictions. There are also standards of conduct in the laws and regulations for special occupations.

The Civil Service Ethics Code (Law 120-01 of July 20, 2001) has been promulgated to complete and codify standards of conduct, as it states in Article 2: "The main purpose of this Code is to regulate the conduct of civil servants with regard to ethical principles that must govern their performance in public service, in order to guarantee and promote the highest standard of honesty and morality in the discharge of the State's functions." (See attached Code).

For the judicial branch, the Regulations of the Judicial Service of November 1, 2000 provide in Chapter VI a system of duties, rights, prohibitions, and restrictions.

Law 78-03, which implements the Statute of the Public Prosecutor's Office, promulgated by the executive branch on June 27, 2003, deals in Title XVI with disqualifications, limitations, and restrictions in the Public Prosecutor's Office, and in Title XIX with general prohibitions.

b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

The Organic Act of the State Secretariats No. 4378 of February 10, 1956 provides in Article 6 that one of the duties of each Secretary of State is to "Comply with and enforce the laws, regulations, decrees, resolutions, and agreements applicable to their respective branches."

Decree 149-98 of April 29, 1998, which established a Public Ethics Commission in every government entity, provides in section (a) of Article 1 on the duties of these Commissions: "To serve as an advocate for instilling and strengthening ethics and transparency in the business of their agency."

Law 120-01, which established the Civil Service Ethics Code, provides in Article 6 that the Anti-Corruption Department is "the organ responsible for ensuring faithful compliance with and application of the ethical provisions contained in this Code."

The Disciplinary Tribunal established by the Civil Service Ethics Code determines and applies disciplinary penalties for infractions of the standards in the Code. This Tribunal is in the process of organization.

Regulations of the Judicial Service, in Article 44 on the duties of the Judicial Inspector's Office, specify among others that of "Ensuring the performance of duties of judicial employees established in the Judicial Organization Act and the ethical and disciplinary system set forth in the Judicial Service Act and these Regulations."

Law 78/03 of the Statute of the Public Prosecutor's Office, in Article 30-31, establishes a Disciplinary Council to consider complaints, allegations, and disputes involving its staff.

c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The existence of these standards of conduct and enforcement mechanisms has contributed to expanding a critical mass or ethical thrust in public agencies, which is reflected in and reflects a culture of honesty and work in public offices. The Public Ethics Commissions and individual initiatives have intensified concern for ethical and transparent conduct, leading to a willingness to denounce irregularities and corrupt acts. This is a fledgling effort to reverse a centuries-old culture of corruption.

2. Conflicts of interest

- a. Are there standards of conduct in your country regarding the prevention of conflicts of interest in the performance of public functions? If yes, briefly describe them, indicating aspects such as to whom they apply and the concept on which they are based, and list and attach a copy of the related provisions and documents.**

The standards of conduct regarding the prevention of conflicts of interest are contained in the following legal instruments:

Article 102 of the Constitution, already cited in point 1.a. Article 100 of the Constitution condemns advantage in any situation that vitiates the equality of all Dominicans.

Regulation No. 395 of September 26, 1966 on the awarding of contracts for State construction projects provides in Article 3 paragraph (f) that no person employed by the State, local governments, or any other official agency may bid for construction projects; the ban extends to corporations, companies, or organized groups directly or indirectly linked to government officials or employees.

Regulation 81-94 of the Civil Service and Administrative Career Act, in Article 130 paragraph f, provides that it is incompatible with an employee's function to have any financial, property, or political interest that implies divided authority, rights, or interests.

Regulation 262-98 of July 10, 1998 regulates procurement and contracting for goods and services by the government, prohibiting in Article 27 purchases from certain government officers, companies in which they have a financial interest, relatives by blood or marriage to the third degree, spouses and other persons with a similar relationship, companies where these relatives control more than 25% of the equity capital, those who have been advisers in any stage of the contracting process, persons who have been convicted of breach of trust, and companies whose directors are being prosecuted for offenses under the Inter-American Convention against Corruption or the Vienna Convention of 1988.

In the case of supervision of the financial sector, the General Banking Act No. 708-65 provides in Article 5:

"The Superintendent of Banks shall be a person of recognized ability and experience in accounting and bank practices. Inspectors of the Office of the Superintendent of Banks shall be persons with accounting experience, preferably CPAs. The Superintendent and his or her subordinates may not be directors, managers, partners, shareholders, administrators or employees of any entity subject to control by the Office of the Superintendent, and may not seek or accept loans from those institutions or companies except with prior authorization by the Secretary of State for Finance. Nor may they accept any kind of promise or gratuity directly or indirectly from these institutions or companies or their directors, partners, shareholders, managers, administrators, or employees. Violation of this article shall be punished with dismissal, without prejudice to other legal sanctions."

Furthermore, in October 1997 the Office of the Superintendent of Banks published the "Ethics Guide for Stockholders, Directors, Officials, and Employees of Financial Institutions" to encourage ethical practices and improve the character and conduct of agents responsible for providing financial services in the country. (See attached copy).

Article 10 of Decree 121-01 provides that persons in charge of government audit units may not "practice liberal professions outside their post, except for strictly personal matters for themselves, their spouses, parents, children, or siblings," and prohibits their "intervention in the processing or settlement of any matter before them in which they have a direct or indirect personal interest or when the interested parties are their relatives by blood or marriage, in direct or collateral line, to the third degree of relationship."

The Civil Service Ethics Code, in Article 8 on restrictions on civil servants, prohibits in paragraph (i) "Accepting employment or business contractual relationships with any individual, business, or company that negotiated with the government agency for which he or she works, when the government official or employee participates in any way in decision making for the institution or has authority to influence official actions of the entity concerning that person or business," and in paragraph (j) "Being a party to or having any interest in profit or benefits from a contract with any public or private institution."

For the judicial branch, the Judicial Organization Act No. 821 of November 21, 1927 as amended contains a system of disqualification for judges and judicial employees. Specifically, Article 5 provides that "judges in the same court cannot be related directly or collaterally, by blood to the fourth degree or by marriage to the second degree" This disqualification also applies to officials of the Public Prosecutor's Office, secretaries, and bailiffs.

Article 6 stipulates that "judges and officials of the Public Prosecutor's Office and any other court employee may not practice law..." Similarly, Article 8 of Law 821 bars judges and officials of the Public Prosecutor's Office from counseling on legal matters that are in litigation or may go to litigation.

Article 175 of the Penal Code punishes public officials or employees who openly or covertly, or through third parties, receive an interest or remuneration not authorized by law.

Law 78/03 of July 27, 2003, which implements the Statute of the Public Prosecutor's Office, in Articles 67, 68, and 69 defines restrictions on prosecutors:

- If they are party in a case under investigation, or are a spouse or relative by blood or marriage directly to any degree, or collaterally to any of the parties to the second degree, or to their attorneys;
- If they are a spouse or relative by blood or marriage, directly to any degree, or collaterally by blood or marriage to the second degree with the judge or judges who will hear the case, or as a guardian or administrator of one of the parties. In the case of a collegiate court, disqualification of the judge or judges in this situation is sufficient;
- If they, their spouse, their parents or children are or have been heirs or legatees of some of the parties or vice versa; or have any civil or criminal case pending with them;
- If they, their spouse, parents, children, or relatives are a partner in any company or entity with any of the parties;
- If they have manifest hostility to any of the parties or their attorneys; or if they have received benefits of consequence from them, their spouses, their parents, their children, or relatives to the second degree, or when the official of the Public Prosecutor's Office or relatives indicated have accepted gifts or services from the parties;
- If those involved in the case have an employment relationship with the staff member of the Public Prosecutor's Office or if that person is their creditor or debtor.

b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

The principal mechanisms to enforce compliance with these standards of conduct include the following:

1) The Government Procurement Commission, attached to the President's Office, and the Government Procurement Office, which is the Commission's executive organ to enforce application of procurement rules and procedures, both established by Law 295 of 1966, are not yet functional. However, there is a Purchasing Commission in each government agency, which is supposed to enforce the current provisions on the subject.

II) The procedure for bidding for procurement of goods and services is established in Articles 12 to 15 of Decree 262-98, amended by Decree 746-04. There are three types of bidding: 1. **Limited**, where five (5) tenders are invited, for purchases of RD\$500,000.00 to RD\$3,000,000.00, approximately US\$10,000.00 to US\$60,000.00; 2. **By Invitation**, where 5 to 10 tenders are invited, for purchases of RD\$3,000,000.00 to RD\$7,000,000.00, approximately US\$60,000.00 to US\$140,000.00; 3. **Public**, in which notices are published for three days in national newspapers for purchases greater than RD\$7,000,000.00 or greater than US\$140,000.00. Although it is easy to be aware of purchases made for this amount, there is no mechanism to publicize who got the contract. On their own initiative some institutions, such as the Department of Education and the Dominican Telecommunications Institute announce their intention for procurement and receive bids on the Internet, thus publicizing their operations.

III) In case of doubt concerning the involvement of an employee in the purchase of goods or services, the matter shall be resolved by the Attorney General's Office, as provided in Article 29 of Decree 262-98.

IV) As noted in point one (1) of this chapter, persons working for the State may not bid for construction projects, but they may take part in the lottery for these projects as provided in paragraph (f) of Article 3 of Regulation 395, which establishes that after the drawing for a project the winner is considered to have resigned from his or her government post.

V) In the case of competitive bidding, the Bidding Committee established by Regulation 395 of 1966 is responsible for enforcing compliance with all its provisions; any member of the Committee who is linked in any way to the bidders must refrain from taking part in the selection of the bids. However, the Dominican government recognizes that with publication of Law 105 on bidding of 1967 this regulation is relegated to legal limbo.

VI) Regulation 81-94 for application of the Civil Service and Administrative Career Act provides in Article 130 paragraph (e) that government employees may not "take part in official business in which the government employee is both the arbiter and an interested party."

VII) The Anti-Corruption Department (DPCA) ordered that any agency conducting public bidding must send a copy with appropriate attachments to the DPCA, and DPCA officials are now observers at the meetings for opening the bids and awarding the contracts in several agencies.

VIII) Internal control and ex post external control is exercised by the Comptroller General's Office and the Accounts Chamber. They review the administrative acts of each agency, determining whether proper procedures were followed.

IX) In the financial area our country follows accepted international legal standards, so we have support from agencies such as: the World Bank; the Inter-American Development Bank; the United Nations; the Organization of American States; the International Monetary Fund; the Central American Council of Superintendents of Banks, Insurance Companies, and Other Financial Institutions; the Association of Bank Supervisors of the Americas; the Center for Latin American Monetary Studies; and the Financial Action Group of the Caribbean.

X) To verify compliance with the legal provisions by the agencies under our supervision, the Office of the Superintendent of Banks conducts one (1) annual general inspection and special audits as required.

XI) The Public Prosecutor's Office and the Common Law Courts are responsible for prosecuting and trying public employees who have deliberately broken the above rules.

XII) The Anti-Corruption Department works to disseminate and stimulate awareness of the civil servants' duties and standards of conduct.

Law 73-03, which implements the Statute of the Public Prosecutor's Office, established the Disciplinary Council, which has primary jurisdiction for considering complaints, allegations, or disputes and disciplinary matters involving staff members of the Public Prosecutor's Office in the respective legal department, and for applying the disciplinary penalties prescribed in the Statute.

This Council is an appeals body for the complaints, allegations, and disputes of a disciplinary nature involving members of the Public Prosecutor's Office, and with sole jurisdiction for complaints, allegations, and disputes involving the Attorney General and his deputies, the Prosecutor General of the Appeals Court, and the other senior members of the Public Prosecutor's Office.

c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Although there are no statistics on the subject, queries from the Anti-Corruption Department to the Public Ethics Commissions have mentioned construction projects and procurement of goods and services as two of the primary sources of corruption. When there is competitive selection or public bidding the bidders become the watchdogs, and there has been greater transparency with savings in government resources, as in the Department of Education's purchase of more than one (1) million school breakfasts and other purchases, in the Attorney General's Office for the procurement of vehicles, in the Treasury Department for procurement of rubber stamps or seals, and in other agencies. However, the current regulations have many loopholes, as in the case of public works projects that can be awarded on an ad hoc basis by limited bidding, management decision, or lottery, thus undermining the concept of public bidding. Furthermore, public bidding is required only for procurement of goods worth more than seven million pesos, which means most of the transactions are less transparent and conflicts of interest are harder to detect.

3. Conservation and proper use of resources entrusted to public officials in the performance of their functions

a. Are there standards of conduct in your country that govern the conservation and proper use of resources entrusted to public officials in the performance of their functions? If yes, briefly describe them, indicating aspects such as to whom they apply and whether there are exceptions, and list and attach a copy of the related provisions and documents.

The Civil Service Ethics Code, in Article 4 paragraph (m), establishes that one principle of the civil servant is tidiness, which according to this rule "involves the proper management and use of State assets, care of the physical aspect of the workplace, and not contributing to its deterioration or permitting it through negligence."

Paragraph (o) of Article 8 of the same Code prohibits "Use for their benefit or for the benefit of third parties of government assets, equipment, securities, and supplies, especially those entrusted to them."

Article 1 of Law No. 14 of August 30, 1966 provides that "vehicles of any type that are the property of the State, local government, or State agencies and autonomous companies must be used only and exclusively for official work-related business. Therefore, these vehicles are not for private, personal, or family use." On this point, Decree No. 67 of July 16, 1966 establishes a system for custody of these vehicles outside of working hours.

Article 13 of the Accounting Act No. 3894 of 1954 establishes the obligation to cooperate for the preservation and protection of public funds.

b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Article 22 of the Accounting Act No. 3894 provides that the Comptroller and Auditor General may, when deemed expedient, order any employee of the department to inspect the office of any civil servant responsible for public funds or public property or who receives or handles such funds, and for that purpose the agent of the Comptroller and Auditor General shall have access to the books, files, checks, bank accounts, and all other documents of the responsible employee's office. Following each inspection, the Comptroller and Auditor General shall send a written report thereon to the head of the department or the other government agency where, or on whose orders, the employee is working, and shall send a copy of the report to the Secretary of State for the Treasury and Public Debt.

In unequivocal terms, Article 14 of Law No. 1832 on National Property provides that "The Director General of National Property shall ensure the protection of State property, make and keep current an inventory of that property, with the exceptions permitted by the regulations, and proceed to its sale, when appropriate, in the manner prescribed in the regulations. For this purpose, every public office shall file an inventory of State property in January of each year, in the manner prescribed in the regulations."

Law 10-04 of January 20, 2004 on the Accounts Chamber contains various provisions in Article 10 on the conservation of public property.

Article 3 paragraph (h) of Decree No. 322-97, which established the Anti-Corruption Department, authorizes the Department to conduct audits of the agencies as deemed necessary, one purpose of which is to verify the conservation and proper use of resources entrusted to public officials in the performance of their functions.

c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The audits by the Comptroller General's Office, and now also by the Anti-Corruption Department [*Departamento de Prevención de la Corrupción Administrativa*] (DPCA), have contributed to the conservation of resources. However, the size of the government and operational limitations preclude complete coverage and more frequent inspections.

The National Property Office is continuously—sometimes more often than others, depending on the will of the Director General—perfecting titles, reclaiming real estate and other property belonging to the government. However, there is no up-to-date property inventory, and there has been no property audit to verify what the Dominican State actually has.

The new Law 126-01, which established the Government Accounting Office, directs it to organize a government property audit. Work has begun on this task.

Important work for recovery of State lands has been undertaken by the Dominican Agrarian Institute (IAD).

In late 2000 and early 2001 the Anti-Corruption Department, the Department of Education, the Technical Office of Land Transport, and other agencies recovered hundreds of government vehicles that were illegally being used by private parties.

4. Measures and systems requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

- a. Are there standards of conduct in your country that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware? If yes, briefly describe them, indicating aspects such as to whom they apply and if there are any exceptions, and list and attach a copy of the related provisions and documents.**

The Civil Service Ethics Code stipulates in Article 16 that “Any action or reprisal taken by a public official against a subordinate for having reported to any authority the commission of an act considered ‘an offense or crime against public property’ shall be considered a serious violation of this Code.”

Articles 8, 9, 10, and 28 of Criminal Procedure Code deal with this subject. Specifically, Article 28 says: “Any established authority, official, or civil servant who in the course of duty learns that a crime or offense has been committed is required to immediately notify the prosecutor of the court in whose jurisdiction the crime or offense was committed, and to give that official all documentation and records related to the case.”

A similar provision is contained in Law No. 672 of 1982.

Notwithstanding the authority of Congress to impeach elected officials guilty of serious crimes in the exercise of their functions, Article 105 of the Constitution stipulates that “the President and Vice President elect or in office shall not be arrested before or during their term of office.”

If we consider the spirit of the Law Against Laundering of Proceeds from Drug Trafficking and Other Serious Crimes, No. 72-02, of June 7, 2002, we note that it is applicable to all persons and legal entities. Thus, there is a legal obligation not only for civil servants but for anyone who sees financial irregularities by an individual or corporation to report them to appropriate authorities. If a person exhibits a sudden change in spending, saving, or investment pattern, without apparent justification, it can be indication of a previous act of corruption.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.**

In addition to the criminal investigation authority of the Public Prosecutor’s Office in the case of witnessed crimes or offenses or those that have been the object of public complaint or petition, in the case of the civil service, Law 4378 on the State Secretariats, Article 6, provides that one of the duties of each Secretary of State is to “prosecute any official or employee in his or her branch who commits a crime or offense involving official business.”

Article 28 of Law 3894 provides that “the Comptroller and Auditor General shall report to the President, through the Secretary of the Treasury, any expenditure or contract made by any department or agency in violation of the legal provisions.”

Law 10-04, in Article 10 paragraph 10 calls for “investigation of allegations or well-grounded suspicions of illegal acts against public assets, or cooperation as appropriate with the work of specialized agencies in the field.”

The Anti-Corruption Department, in cooperation with the Public Ethics Commissions in each central government agency, has installed “**Anti-Corruption Mailboxes**” in which civil servants and the general public can report corrupt acts committed in the entities.

In the specific case of Law No. 72-02, the agencies that comprise the Committee Against Money Laundering (the National Drug Council, the National Drug Control Office, the Prosecutor General’s

Office, the Treasury Department and the Office of the Superintendent of Banks) drew up the regulations for application of the law, which entered into force on January 14, 2003, promulgated in Decree 20/03.

Under the new Law 72-02 a Financial Analysis Unit has been established as the executive arm of the Committee against Money Laundering. It is responsible for applying the law and enforcing it throughout the public and private national economic system.

c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

In some instances before August 16, 2000, and especially since that date, progressive enforcement of these provisions has uncovered several acts of corruption, and the responsible parties have been prosecuted and jailed. In the past four (4) years, civil servants have reported more than 30 cases of corruption to the Prosecutor General's Office and the Anti-Corruption Department.

It should also be noted that the Comptroller General's Office and the Legal Advisor of the executive branch have passed on to the DPCA more than 28 audits in which financial and accounting irregularities have been found. The cases are under investigation.

However, it would not be correct to assert that the prosecutors, as the main element of the Public Prosecutor's Office, have become a credible or effective mechanism for receipt of complaints involving corruption, or for ferreting it out on their own initiative. This is one of the reasons why the Anti-Corruption Department was established in the Dominican Republic and the current President introduced a bill in Congress in 2000 to establish the National Anti-Corruption Auditor's Office. The bill died in Congress; hopefully it will be reintroduced.

Although the bill died in Congress, it was in fact reintroduced on June 4, 2003, rewritten and approved unanimously in the Senate, going then to the Chamber of Deputies as a draft law to establish the National Office for the Prevention and Investigation of Corruption. It also died in the Chamber of Deputies, so it must be reintroduced once again.

CHAPTER TWO

SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, 4)

a. Are there regulations in your country establishing methods for registering the income, assets and liabilities of those who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public? If yes, briefly describe them, indicating aspects like to whom they apply and when the declaration must be presented, the content of the declaration, and how the information given is verified, accessed, and used. List and attach a copy of the related provisions and documents.

The declaration of income, assets, and liabilities of civil servants is provided for in Law 82 of December 16, 1979, Official Gazette 9518 of December 29, 1979. The executive branch has introduced a bill to amend this law.

This law covers the President, Vice President, elected officials, Secretaries and Under Secretaries of State, Governor and Deputy Governor of the Central Bank, managers and administrators of the state banks, municipal treasurers, all judges, members of the Public Prosecutor's Office, Accounts Chamber, general administrators and their deputies, directors and assistant directors, provincial governors, national Comptroller and Treasurer, tax collectors, and customs collectors.

The income declaration must be presented within one month of taking office and upon leaving office to the National Treasurer, who sends a copy of each disclosure statement to the Attorney General, who in turn refers it to the Anti-Corruption Department, where it is open for citizen review.

This declaration includes the official's real and personal property, with values estimated by the declarant (the law does not have objective financial and accounting criteria for appraisal), as well as liabilities and assets.

The Anti-Corruption Department, the agency that specializes in prevention of corruption, processes the data and enters it in the network.

DPCA specialists are supposed to verify the accuracy of these declarations and compare them with the incumbent's declaration filed upon leaving office, but this has not yet been done.

b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

This anti-corruption mechanism has not been effective because of the technical problems in calculating the real value of the assets and liabilities. The only penalty for failure to file the declaration is an admonition and withholding of salary. When the current President took office in August 2000 he ordered the Treasury Department to withhold the salary of dozens of officials who had still not submitted their declarations several months after assuming office; as a result, 100% of the central government officials who are required to file the declaration have done it as mandated by law. The judges have, too.

However, the legislators have been very late in complying, and at the municipal level hundreds of council members elected for 1998-2002 and installed on August 16, 2002 had not filed their declarations. Similarly, hundreds of officials of the former government from 1996-2000 failed to submit their declarations. As of August 2004 the Anti-Corruption Department had received only 815 civil servants' declarations, many of which were from those not required to report.

Thus far, owing to logistical and legal problems and inertia of the Public Prosecutor's Office, not a single official who failed to submit a declaration has been investigated under the provisions of Article 6, which says: "Purchases made by an official who has not filed a declaration shall be considered illicit, with all the consequences thereof, until proven to the contrary."

It should be noted that if such an investigation were to start, it could be suspended immediately upon submission of the declaration, so the law should be improved. A bill to do just that has been submitted to Congress.

CHAPTER THREE

OVERSIGHT BODIES

a. Are there oversight bodies charged with the responsibility of ensuring compliance with the provisions stated in Article III (1), (2) (4) and (11)? If yes, list and briefly describe their functions and characteristics, and attach a copy of the related provisions and documents.

Attorney General's Office: established by Law 821 on Judicial Organization of November 21, 1927, its duties are: to direct and oversee the Public Prosecutor's Office, giving orders and instructions to its staff, to prepare the briefs for the cases submitted to the Supreme Court, to bar exit from the country when requested by competent authorities, to study extradition requests received through the Ministry of Foreign Affairs and recommend to the President their approval or disapproval.

Accounts Chamber of the Dominican Republic: Congress enacted a new organic act of the Accounts chamber, which gives institutional basis to the national system for control of audits, for better control of the administration and execution of public funds. This new regulation strengthens the functions and powers of that external control agency for the nation's accounts, so it can play a more active role in prevention and the fight against corruption. For example, it can now refer to the Public Prosecutor's Office or the specialized anti-corruption investigation agencies those cases it believes involve administrative, civil, or criminal wrongdoing.

Comptroller General's Office: established by Law 3894 of August 9, 1954, it is tasked with auditing the proper receipt and investment of funds of the various government departments, autonomous or not, of the State and the municipalities, as well as inspecting and reviewing accounts and settlements. Within the Comptroller General's Office is the Office of Corruption Complaints.

Anti-Corruption Department: established by Decree No. 322-97, headed by a Deputy Attorney General, specializes in handling all aspects of administrative corruption in the Dominican Republic.

As regards paragraph eleven (11) there is no oversight mechanism to facilitate involvement of civil society in its role in government, but there are many organs and mechanisms that promote civil society participation, which is extensive in terms of areas of interest and sectors represented. The National Commission for State Reform has drafted several bills to establish high-level national organs dealing with civil society.

b. Briefly state the results that said oversight bodies have obtained in complying with the previous functions, attaching the pertinent statistical information, if available.

The Anti-Corruption Department and the Attorney General's Office have reported corruption cases filed, interrogations, subpoenas for depositions, on-site investigations to inspect public works, searches, cases concluded with recommendation for trial, cases dismissed, and persons sent to trial, as shown in the following tables:

Years	2000	2001	2002	2003	2004
Files/Cases received from prior year	112	*	*	*	*
Files/Cases received in current year	80	91	74	63	16
Cases studied	04	63	48	69	14
Cases dismissed	03	44	26	31	08
Cases declined	00	03	12	22	03
Cases deferred	00	01	03	03	00
Cases referred by DPCA to Pros. Gen. Office for prosecution	01	15	07	13	03

To handle and finish the cases reported in the previous table the DPCA specialists have used different approaches to obtain information, as indicated in the next table:

YEARS	2000	2001	2002	2002	2003
Interrogations conducted	197	487	297	196	98
Letters written to request information.	221	615	508	114	78
Visits to agencies / communities (field work)	38	76	112	71	36
Summons issued	18	39	32	21	04
Citation letters issued	201	213	198	103	89
Searches conducted (with deputy prosecutors)	04	06	04	03	00
Attendance at hearings	*	08	11	01	00
Accounting and financial audits in public agencies	*	*	08	06	04
Review of audits received from the Comptroller General's Office	*	*	09	12	07

In the past two (2) years about 2,000 civil servants in centralized and decentralized government agencies have received training in courses and workshops on four basic subjects: Civil Service and Administrative Career, Ethics, Transparency, and Penal Responsibility of the Civil Servant. Also, the National Institutes for Public Administration and Tax Training have trained more than 25,000 civil servants in public ethics subjects.

In the years 1999-2001 the Comptroller General's Office conducted a total of 233 audits with their respective reports. From 2002 to 2004 it has conducted dozens of audits and hundreds of accounting reviews, examining more than 20,000 government contracts in detail. Several audits by the Comptroller General's Office have given rise to investigations of corruption, undertaken by the Anti-Corruption Department.

The Office of Corruption Complaints has received 60 allegations of corrupt acts since its inception.

In 2001 the Accounts Chamber submitted to Congress a total of 21 audits, whose results have not yet been processed. So far in 2002 there have been nine (9) audits of as many institutions, and twenty-seven (27) are underway. In 2003 and 2004 to date there have been more than fifty (50) audits and inspections.

All this has undoubtedly contributed to reducing acts of corruption.

CHAPTER FOUR

PARTICIPATION BY CIVIL SOCIETY (ARTICLE III, NUMBER 11)

5. General questions on the mechanisms for participation

- a. Are there in your country a legal framework and mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.*

These mechanisms include the following:

Decree 322-97, which established the Anti-Corruption Department, among the duties of which (in paragraph B) are: to prepare and carry out policies to change public attitudes on government corruption and the fight against it. The National Plan to Prevent and Combat Corruption includes civil society.

Decree 407-01, which established the National Council for Follow-up of Nonprofit Associations. Its various articles are intended to ensure that funds are allocated through the national budget according to professional and technical criteria, as a mechanism for doing away with favoritism in these allocations.

Decree 783-01, which established the Advisory Anti-Corruption Council in the Office of the President, to which six (6) civil society organizations belong.

Law 124-01, which established the Business Development Fund, including the business federation and a representative of the labor unions.

Law 10-04 on the Accounts Chamber, Article 7 paragraph 4, establishes social control, giving civil society organizations access to the Accounts Chamber to channel their observations and suggestions in the fight against corruption.

The Project for Modernization of Congress, funded by the Inter-American Development Bank, envisions citizen monitoring of congressional actions.

On January 16, 2003 the executive branch promulgated Decree 39-03 to establish the Social Audit Commissions, which provide opportunities for citizens to become monitors and supervisors of public construction in their sector, with a mechanism for full participation by community organizations.

The Director of the Anti-Corruption Department issued order No. 01/03 on April 21, 2003, to regulate application of Decree 39-03.

The Anti-Corruption Department's Program for Certification in Ethics and Transparency (PROCET), which gives temporary public recognition to agencies or parts of them that are meeting pre-established administrative standards, includes a representative of social organizations on its Certification Committee.

Congress is considering a draft law for Social Participation, through which citizens would be empowered to take active part in following public actions.

b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

One of the major weaknesses of these mechanisms has been the failure of most of them to work, because they have made little progress toward the functions for which they were created, although they have held numerous meetings and most have been operational for more than a year.

2. Mechanisms for access to information

- a. Are there mechanisms in your country that regulate and facilitate the access of civil society and nongovernmental organizations to information under the control of public institutions? Is so, describe them briefly, and indicating, for example, before which entity or agency said mechanisms may be presented and under what criteria the petitions are evaluated. List and attach a copy of the related provisions and documents.**

Congress has enacted new Freedom of Information Act.

According to Article 1 every person has the right to request and receive complete, true, and timely information from any government agency and corporations or businesses with State participation.

The request for information must be in writing with identification of the requester, a clear and precise indication of data requested, the authority that has the information, reasons for the request, and means of delivery and destination of the information requested. Unless law precludes compliance, information will be supplied within fifteen (15) days, with a possible extension of ten (10) additional days. The information is free, unless photocopying is required.

Article 17 of the act establishes twelve (12) reasons why information could be denied, among them State security, damage to the financial system, effect on an administrative investigation, violation of the principles of equality among State bidders, business or corporate secrets, etc.

The law provides for appeals, litigation, and redress if the requester considers that his or her rights have been violated.

Civil society has several mechanisms, including:

- a) The web sites of various government agencies, which offer information on contracts and bidding.
- b) Monthly publication of the status of execution of the national budget (Law No. 101 of 1979), although it does not include the expenditures of all agencies.
- c) Publication of reports and statements of various state agencies.
- d) Newsletter of the Anti-Corruption Department.
- e) Telephone hotlines for the public to seek and give information such as that of the DPCA and the Internal Revenue Service.
- f) Meetings for exchange of information and feedback organized by the DPCA with civil society.
- g) Evaluation of the National Anti-Corruption Plan with participation of civil society.
- h) Participation in the media.
- i) The Project for Reform and Modernization of the Executive Branch calls for a computer network that is not yet operational.
- j) Article 8, paragraph 10, of the Constitution guarantees freedom of information.
- k) Law 82-79 on the inventory of assets of government officials provides that the information must be freely available to the public.

b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Access to information has enabled civil society to monitor important operations, uncovering cases of corruption through the data provided, as in the case of the housing deals of the National Housing Institute (INVI) in 2002.

3. Mechanisms for consultation

a. Are there mechanisms in your country for those who perform public functions to consult civil society and nongovernmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.

- a. The Development Councils organized by the President in the provinces are a consultation mechanism on various aspects of government operations.
- b. Decree 783-01, which established the Advisory Anti-Corruption Council in the Office of the President, set as one of its functions "To make specific proposals concerning the tools, mechanisms, and procedures needed to make the fight against government corruption more viable and effective."
- c. Another of the best-known mechanisms is the public hearings held by Congress to afford citizens a chance to vent their opinions on the various proposals under consideration in that forum.
- d. The National Anti-Corruption Plan is a tool of the Dominican State that works through the Anti-Corruption Department, whose objectives include empowerment and involvement of civil society in the job of curbing corruption through consultation, participation, and discussion to develop educational campaigns for complaints and establish tools that contribute to transparency in public and private business.

Various city councils are holding open town meetings for discussion of local problems. For example, town meetings in the city halls of La Vega and Villa González approved resolutions with standards and procedures for participation of social organizations in municipal government.

In the period from August to November 2003 budgets of the city councils in Jima Abajo, La Vega, Constanza, and Sabana Grande de Boya were prepared with citizen input, with the communities assigning priority to public works to be completed in the 2004/2005 period. Furthermore, this process has encouraged twenty-four (24) city councils to agree to begin participative budgeting next year to plan municipal investment with funds they receive from transfers from the national budget and the Public Expenditures Law.

a. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The policy of consulting civil society on corruption has had the following positive results, among others:

1. The emergence of social groups dedicated to preventing corruption: *Voluntariado Nacional de Prevención de la Corrupción* [National Volunteers to Prevent Corruption], *Participación Ciudadana* [Citizen Participation], *Fundación Institucionalidad y Justicia* [Foundaton for Institutional Strengthening and Justice] (FINJUS), *Coalición por la Transparencia y la Institucionalidad* [Coalition for Transparency and Institutional Strengthening], and the

Committee for Follow-up on Application of Decree 39-03, which established the Social Audit Commissions.

2. Several important organizations have signed cooperation agreements with the Attorney General's Office and the DPCA to prevent corruption (Citizen Participation, the Dominican Federation of Municipios, the National Center for Distance Learning, the Dominican Radio Broadcasters' Association, etc.).
3. Conducting of a national study on corruption.
4. Enhancing of the DPCA's proposal on Social Audit Commissions, and preparation of the draft decree to establish them.
5. Improvement of draft laws and bills (Social and Civic Participation Act, Nonprofit Organizations Act, Penal Procedure Code, Law for an independent Public Prosecutor's Office, Ombudsman Law, etc.).
6. Consultations with civil society enabled the National Magistrates' Council to select a highly qualified Supreme Court, which has turned the administration of justice around 180 degrees, reducing corruption in the courts and strengthening juridical security in the country.

4. Mechanisms to encourage active participation in public administration

- a. ***Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and nongovernmental organizations in the process of public policy making and decision making, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them and list and attach the related provisions and documents.***

There is a series of general mechanisms, such as the Advisory Council of the Social Cabinet, through which organizations have been consulted on aspects of social policies and control of corruption in those policies' application, the consultation undertaken by the judicial branch, the Prosecutor and Community seminars organized by civil society with the support of the prosecutors' offices, the Advisory Council of the Community Development Office, the Advisory Council on Reform and Modernization of the State, the Program for Reform and Modernization of Congress and the Accounts Chamber.

There are other instances in which civil society has some participation, among them:

Decree 20-91, which established the National Council on Population and the Family; Decree 308-97, which established the Executive Commission for Reform of the Health Sector; Law 14-94, which established the Supervisory Organ of the System for Protection of Children and Adolescents; Law 6160, which authorized the faculty of the College of Engineers and Architects (CODIA) to advise the government on construction projects; Decree 685-00, which created the Regional Development Councils and Assemblies; Law 613-96, which established the Provincial Development Council; Decree 313-97, which formed the Presidential Commission on Provincial Development; Decree 311-97, which established the Presidential Commission on Neighborhood Development; Decrees 261-98 and 318-98, which established the Executive Committee of the Community Initiatives Promotion Fund (PRO-COMUNIDAD); and the decree that established the National Commission for Government Reform.

b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Many of these mechanisms are not functioning regularly and some of them are temporary, nonpermanent. Others, such as the Social Audit Commissions and the Program for Certification in Ethics and Transparency are too new for us to measure results objectively. However, it is certain that in recent years the Dominican Republic has seen an opening for civil society participation in various public mechanisms, although there is a need for clearer regulations. These would be forthcoming from the Social Participation Act, which has been submitted to Congress.

5. Participation mechanisms for the follow-up of public administration

a. Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and non-governmental organizations in the follow-up of public administration, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them, and list and attach a copy of the related provisions and documents.

Article 55 (22) of the Constitution requires the President to report each year to Congress, and directs the Accounts Chamber (Art. 79) to “review the general and specific accounts of the Republic” in order to send reports to Congress that can help civil society to exercise ex post social control through public opinion and, where appropriate, through the courts.

Participation in Governing Bodies. From a legal standpoint, the most common way in the Dominican Republic for exercising social control is participation in governing bodies at various levels of government.

Organic Education Act. The most advanced form of this participation is provided for in Law 66-97, the Organic Education Act, which establishes the National Education Council, the Regional School Boards, the District School Boards, and the Local School Boards, where several civil society representatives participate with full authority in planning, management, and evaluation, affording an opportunity to demand accountability in public and private education.

Decree 308-97, which formed the Executive Commission for Health Sector Reform, includes two (2) representatives of nongovernmental health service providers.

Law 14-94, or the Children and Adolescents Code, provides for the participation of NGOs and organizations representing various social sectors in the Supervisory Organ of the Protection System and the Regional Councils on the Rights of Children and Adolescents.

Other areas of the executive branch. Similar participation exists in the areas of sports (Law 97 of 1975), tourism (Law 541 of 1969), standards and quality systems (Law 602 of 1977), the Commission for Reform and Modernization of the State (Decree 484-96), agriculture (Law 8 of 1965), and the environment (Law 64-00).

Congress has a mechanism for public hearings, which offers an opportunity for interaction with legislators. Although optional and not permanent, it provides follow-up on legislative work (see Rules of Procedure of the Senate, Article 51, and the Chamber of Deputies, Article 54).

Direct action on unconstitutionality by the Supreme Court, contemplated in Article 67 of the Constitution, has been strengthened by the Supreme Court’s establishment of the right to judicial protection, based on the American Convention on Human Rights, which is law in our country pursuant to Congressional Resolution No. 739 of December 25, 1977. This action is a great contribution to the rule of law, and to the opportunity to control possible excesses by government officials.

The electoral observation conducted by civil society in 1996, 1998, 2000, 2002, and 2004, supported by resolutions of May 14, 1996 and Resolution 29-98 of the Central Electoral Board, is a means of oversight of the election operations and political party activity.

b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Although there is no exhaustive study on the subject, it appears the current forms of participation are not very stable. There is progress, stagnation, and setbacks. Civil society organizations, together with the National Commission for State Reform (CONARE) submitted to Congress a preliminary draft law on social participation, which would expand, define, and codify civil society's participation.

CHAPTER FIVE

ASSISTANCE AND COOPERATION (ARTICLE XIV)

1. Mutual Assistance

a. Briefly describe your country's legal framework, if any, that establishes mechanisms for mutual assistance in processing requests from other States Parties, authorized by domestic law to investigate and prosecute government corruption, that seek assistance in gathering evidence and taking other necessary steps to facilitate the processes or efforts for the investigation and prosecution of acts of corruption. Attach a copy of the provisions that contain such mechanisms.

Law No. 72-02 of July 7, 2002 dedicates Articles 60 to 65 to all aspects of international cooperation regarding money laundering of assets from illegal drug trafficking and controlled substances and other serious offenses, such as corruption, defined as a crime in Dominican penal legislation.

The Dominican Republic currently has agreements for extradition and judicial assistance signed and in effect with the United States, Spain, Colombia, China, and France. The Dominican Republic is also party to the following multilateral instruments: The Convention on International Private Law (Bustamante Code) of February 20, 1928, and the Convention on Extradition of December 26, 1933.

Law No. 489 of October 22, 1969, on extradition, authorizes the extradition of a foreign national or a Dominican and to request it for corruption-related crimes. Even in the absence of a treaty, extraditions may be requested or granted by the Dominican State in accordance with the principle of reciprocity and legal practice among States.

The Extradition Convention with the United States is an international cooperation mechanism between the Dominican State and the United States, in which both countries agree, upon mutual requisition, to deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties, as stipulated in Article I of the Convention. Among the crimes specified in Article II of the Convention, both States took into account offenses against national property, as indicated in paragraph 12 of Article II, "The forgery or falsification of the official acts of Government or public authority..." and in paragraph 14 of the same Article, which mentions "Embezzlement or criminal malversion committed within the jurisdiction of one or the other party..." Paragraph 18 of Article II says extradition is admissible for "Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained..." Inclusion of these offenses in this extradition treaty is clear evidence of the will since that date by both States to fight government corruption by stripping it of impunity.

- b. Has your government presented or received requests for mutual assistance under the Convention? If so, indicate the number of requests that it has presented, explaining how many of them have not been answered and how many have been denied and for what reason; indicate the number of requests that it has received, explaining how many of them have not been answered and how many have been denied and for what reason; mention the average time it has taken your country to answer said requests and the average time in which other countries have responded, and indicate whether you consider these intervals reasonable.**

No requests for mutual assistance have been received.

- c. If no such mechanisms exist, briefly indicate how your State has implemented the obligation, in accordance with Article XIV (1) of the Convention.**

The draft legislation to establish the National Anti-Corruption Audit Office seeks to improve the mechanisms for reciprocal assistance.

2. Mutual technical cooperation

- a. Does your country have mechanisms to permit the widest measure of mutual technical cooperation with other States Parties regarding the most effective ways and means of preventing, detecting, investigating, and punishing acts of public corruption, including the exchange of experiences by way of agreements and meetings between competent bodies and institutions, and the sharing of knowledge on methods and procedures for citizen participation in the fight against corruption? If so, describe them briefly.**

The most effective mechanisms are: the Anti-Corruption Department, the Comptroller General's Office, the Accounts Chamber, the Office of the Superintendent of Banks, the Internal Revenue Service, and the Technical Secretariat of the Office of the President

- b. Has your government made requests to other States Parties or received requests from them for mutual technical cooperation under the Convention? If so, briefly describe the results.**

The Dominican State has received cooperation in matters concerning the Convention from the United States government through the Agency for International Development (AID); and from the European Union under the Lomé Convention, now the European Development Fund.

The Anti-Corruption Office of Argentina's Ministry of Justice and Human Rights has provided technical assistance to the Anti-Corruption Department for installation of a new system of sworn declarations of assets.

Cooperation has contributed to training investigators, training in ethics and transparency for civil servants and civil society leaders, in knowledge of experiences of other countries' anti-corruption efforts, in the promotion of government reforms and modernization, thus increasing the operational and institutional capability of the public agencies and involvement of civil society to fight for transparency in government.

- c. Has your county developed technical cooperation programs or projects on aspects that are referred to in the Convention, in conjunction with international agencies or organizations? If so, briefly describe, including, for example, the subject matter of the program or project and the results obtained.**

- a) The Government of the Dominican Republic and the Inter-American Development Bank (IDB) signed Loan Agreement No. 1176/OC-DR to finance the Program for Reform and Modernization of the Executive Branch (PRO REFORMA), to be carried out by the Technical

Secretariat of the Office of the President. The Pro Reforma Program was committed to provide:

1. Support for the Program to Prepare the National Prevention Plan 2004-2008.
 2. Support for the Program for Training and Follow-up of Social Audits
 3. Support for the Program for Certification in Ethics and Transparency
 4. Support for the Program for Strengthening and Development of Human Resources.
 5. Support for the Program to Develop the DJB System of the Employees.
 6. Support for the Program for Updating the Regulatory Framework for Transparency and Public Ethics.
- b) The Inter-American Development Bank (IDB) through Transparency International carried out a project from 1998-2000 for the institutional strengthening of the DPCA, which provided training for its staff, did surveys on public services and civil servants, drafted several laws, and prepared a proposal for establishment of the Social Audit Commissions.
- c) The United Nations Development Program (UNDP) supported the Commission for the Reform and Modernization of the State (COPRYME, now CONARE) to bring transparency and efficiency to various areas of the civil service and local governments.
- d) The IDB supported the Program for the Strengthening of Civil Society Organizations, one result of which was improvement of the draft laws for civil society participation and the register and operation of nonprofit associations.
- e) The IDB also supports the Program for Support of Reform and Modernization of the Executive Branch, which seeks to develop a permanent institutional capability in the central government to implement the career service, modernize various organs, and increase the efficiency of services with integrity.
- f) The Agency for International Development (AID) carried out the Project for Democratic Initiatives (PID), helping community and development organizations to promote transparency in local government. The AID programs for Modernization of Justice and for Transparency and Governance seek among other things to strengthen the rule of law and improve public sector anti-corruption programs.

CHAPTER SIX

CENTRAL AUTHORITIES (ARTICLE XVIII)

1. Designation of Central Authorities

a. Has your country designated a central authority for the purposes of channeling requests for mutual assistance as provided under the Convention?

Yes, the Anti-Corruption Department in the Attorney General's Office.

b. Has your country designated a central authority for the purposes of channeling requests for mutual technical cooperation as provided under the Convention?

The Anti-Corruption Department in the Attorney General's Office.

- c. If your country has designated a central authority or central authorities please provide the necessary contact data, including the name of the agency(ies) and the responsible official(s), the position that he or she occupies, telephone and fax numbers, and e-mail address(es).**

Anti-Corruption Department [*Departamento de Prevención de la Corrupción Administrativa*] (DPCA)
Dr. Jesús Félix Jiménez, Director
Telephone (809) 533-9606
Fax (809) 534-6968
E-mail: jmfjimenez@hotmail.com

Carlos Pimentel F., Director of the Prevention Division of the DPCA
Telephone: (809) 508-7235, E-mail: Carlosepimentel@hotmail.com

Ramón Mercedes Reyes, Deputy Director of the DPCA

Cirilo Quiñónez, Director of the Investigation Division of the DPCA

2. Operation of Central Authorities

- a. Does the central authority have the necessary resources to enable it to properly make and receive requests for assistance and cooperation under the Convention? If yes, please describe them briefly.**

Resources currently available are experts in some areas such as preparation of anti-corruption plans, interagency coordination, investigative experience, and coordination with civil society.

- b. Has the central authority, since its designation, made or received requests for assistance and cooperation under the Convention? If so, indicate the results obtained, whether there were obstacles or difficulties in handling the requests, and how this problem could be solved.**

One technical assistance proposal was made to the Inter-American Development Bank, which provided technical cooperation. Currently the DPCA is included in the Project for Support of Reform and Modernization of the Executive Branch for institutional strengthening of the Program for Certification in Ethics and Transparency, to apply Decree 39-03 on the Social Audit Commissions and to draw up a new National Plan to Prevent and Combat Corruption 2004-2008.

III. INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

Please supply the following information:

(a) State Party: the Dominican Republic

(b) The official to be consulted regarding the responses to the questionnaire is:

() Dr. Jesús María Félix Jiménez

Title/position: Director

Agency/office: Anti-Corruption Department

Mailing address: Hipólito Herrera Billini esq. Juan B. Pérez, Palacio de Justicia el Centro de los Héroes de Constanza, Maimón y Estero Hondo, 3^{er} Piso, Santo Domingo, Dominican Republic.

Telephone number: (809) 533-2733 / (809) 508-7235

Fax number: (809) 534-6968

E-mail address: jmfjimenez@hotmail.com
