



DOMINICAN REPUBLIC REPORT
Follow-up on the Lima Agreement
Citizen Corruption Observatory



Country: Dominican Republic -- **Local partner:** Participación Ciudadana

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Document Acronyms

CCC - Capacity to Combat Corruption Index.

CCPCJ - Commission on Crime Prevention and Criminal Justice.

DGPP - Directorate General for Public Procurement.

CFA - Citizen Forum of the Americas.

FCPA - Foreign Corrupt Practices Act.

GAFILAT - Financial Action Task Force of Latin America.

JCE - Central Electoral Board.

MP – Government Attorney General’s Office.

CCO - Citizen Corruption Observatory.

OAS - Organization of American States.

NGO - Non-Governmental Organization.

UN – United Nations.

CSO - Civil Society Organizations.

PASCA - Civil Society Participation in the Summit of the Americas.

PEPCA - Specialized Prosecutor's Office for the Prosecution of Administrative Corruption.

PGR - Office of the Attorney General.

REDLAD - Latin American and Caribbean Network for Democracy.

SNCCP - National Public Procurement and Contracting System.

UAFRD - Financial Analysis Unit of the Dominican Republic.



Introduction

The main purpose of the project entitled “Citizen Corruption Observatory (CCO) - Follow-up on the Lima Agreement” is to strengthen the Citizen Forum of the Americas (CFA) by co-creating, together with the Latin American and Caribbean Network for Democracy (REDLAD, by its Spanish initials) and the Citizen Forum of the Americas (CFA), an observatory that provides technical support for the implementation of the Project entitled: “Civil Society Participation in the Summit of the Americas (PASCA, by its Spanish initials). Within the framework of the activities developed by the CCO, the progress of the Lima Agreement was monitored using a methodology that took into account both normative and practical developments, and which was based on the participatory discussion of different civil society organizations in each of the 19 countries participating in this process.

In this context, the CCO is made up of a coalition of civil society organizations and social actors of the continent, created to follow up on compliance with the agreements adopted by the governments of the hemisphere at the VIII Summit of the Americas held in 2018 in Lima, Peru. The Lima Agreement, “Governance against Corruption,” a document resulting from the Summit, provided an opportunity to endorse and ratify previous international commitments on anti-corruption issues.

In this sense, the national report aims to present a summary of the results and conclusions of the follow-up on the progress and/or fulfillment in the Dominican Republic of the commitments of the 2018 Summit, built from the follow-up on the Lima Agreement methodology document¹ and the review of information carried out by 5 Dominican civil society organizations. All information collected within the framework of follow-up can be consulted on the CCO website².

The follow-up on the Lima Agreement methodology allows civil society to assess the progress and/or compliance with the 19 commitments prioritized³ by the CCO for follow-up on each of the countries participating in this observatory. The follow-up is based on the review of developments at both the normative⁴ and practical levels made by national governments over the last two years in respect of the commitments made in the fight against corruption.

At the normative level, the current legislation was reviewed, based on 75 guiding questions regarding constitutional, legislative and jurisprudential developments. The analysis of practice consists of the review of concrete measures taken by the government in response to the commitments made. For this purpose, 64 questions were constructed, which were answered through requests for information, interviews, reference to media reports, reports and research

¹ The methodology is available at: <https://occ-america.com/metodologia/>

² Available at: <https://occ-america.com/>

³ The 19 commitments were prioritized considering the possibility to perform compared analysis in all CCO participating countries.

⁴ The CCO built a first balance sheet on policy indicators at the regional level. The document is available at: <https://occ-america.com/2021/07/29/primer-informe-del-observatorio-ciudadano-de-corrupcion-revela-avances-y-retos-normativos-para-la-lucha-anticorrupcion-en-la-region/>



on the subject, among others. This information is the basis for evaluating each commitment in terms of effectiveness, efficiency and sustainability⁵.

Participating Organizations

 **PARTICIPACIÓN CIUDADANA** *movimiento cívico no partidista* **Participación Ciudadana - Coordinación Nacional** is a non-partisan civic movement and the Dominican chapter of Transparency International, constituted on October 31, 1993. It arises as the result of a process of reflection between citizens to achieve, from the participation of civil society, respect for the popular will in electoral processes, confront corruption, strengthen the country's political institutions, and promote transparency and respect for human rights in order to obtain a better Dominican Republic for all.

 **Fundación Solidaridad** is a non-profit institution that, based on the principles of solidarity, equity, shared effort, and participatory democracy, facilitates processes, and accompanies citizens, so they are active subjects in the construction of collective well-being. Its mission is to promote a just, solidary, and democratic society through the construction of citizenship and the impact on public policies that contribute to sustainable development.

 **CENTRO JUAN XXIII** *POR UNA PATRIA, SERVIDA COMO DE NIÑOS.* **Centro Juan XXIII** is a non-profit organization that seeks to train and organize citizens, so they achieve, through their empowerment and participation in the different levels of society, the political, economic, and social transformation of the Dominican nation, based on Christian principles and values. Centro Juan XXIII participates in the Citizen Corruption Observatory as coordinator of the Justice and Transparency Table of the Citizen Forum, which is in turn a space for articulation of the Dominican social movement, committed to the promotion of participatory democracy and social equality.

 **CEPAE** *¡UNIDAD EN LA DIVERSIDAD!* **Centro de Planificación y Acción EcuMénica (CEPAE)** is a non-profit, private, social development institution whose fundamental axis of its action is popular education. It was founded in 1970. Its philosophy is ecumenism, which is understood as the affirmation of individual and social diversity, the dialectical nature of reality, and dialogue as a privileged vehicle of relationship between people and organizations.

 **Ciudad Alternativa** **Ciudad Alternativa** is a benchmark institution in the promotion of the multidimensional transformation of the city, which contributes to the achievement of a dignified life for its inhabitants. The mission of the organization is to contribute to the construction of a just, equitable,

⁵ The methodological aspects of this rating will be presented in greater detail in the report.

participatory and democratic society based on the fulfillment of the right to the city, in a healthy habitat and safe housing, as a guarantee for the dignified life of the population.

To achieve the country report on the Follow-up on the Lima Agreement in the Dominican Republic, a mapping of actors addressing issues of transparency, anti-corruption, human rights, and related areas was developed. Its influence and interest were validated to follow up on the central theme of the Summit of the Americas and multiple presentations of the initiative and its methodology were made to the identified organizations.

For information survey and practice indicators, working days were held for the collection and registration of information related to the issues in question. Moreover, from the national coordination, meetings were held to accompany those organizations that required it, respecting their differences in criteria. For the review of preliminary and final results, two socialization meetings were held, in which the progress of policy and practical indicators was shared and then the resulting conclusions and recommendations.

Context of the Dominican Republic

In April 2018, when the VIII Summit of the Americas was held in Lima, Peru, with the active participation of the Citizen Forum of the Americas, the then President of the Dominican Republic, Danilo Medina, who was present and signed the commitments that are now being evaluated, was in his sixth year in power, after being re-elected in 2016. Despite the Agreement signed, the governments of former President Medina were characterized by high institutionalized corruption, damage to justice and democratic institutions and, these last two years that ended in August 2020 were no exception. This is reflected in various complaints and journalistic investigations at the local level, in the Annual Report of the United States Department of State on Human Rights in the Dominican Republic for the year 2020, and the Balance Sheets of the years 2019 and 2020 of Participación Ciudadana, among others.

In 2018, senior leaders of the ruling party were heading attempts to modify the Constitution, so the president would be allowed to opt for re-election. Since 2012, civil society and the independent press had published evidence and indicators of coalition of senior public officials, family conspiracies and close associates as front men to create networks that offered services and contracted with public institutions, sometimes with overvalued prices, and violating the Law on Public Procurement that prohibits officials and family members up to the 3rd degree of consanguinity and 2nd degree of affinity of being suppliers of the State. Some of these complaints are included in the document "Corruption without Punishment" and different journalistic investigation programs. To this end, companies were constituted that lacked a trajectory in the sector or economic activity contracted or had little time to have been constituted, accumulating enormous fortunes based on illegal and fraudulent businesses with the State, for amounts that are estimated at billions of dollars. Those large fortunes were key to the 2016 re-election and perpetuation attempt between 2018 and 2019.



Since the beginning of the pandemic in the Dominican Republic, and in the midst of the electoral process, government corruption took hold to take advantage of the state of emergency and obtain enormous profits from the overvaluation of health supplies. Some of these attempts were thwarted by the active participation of civil society and the press. This political context derives from the results summarized below:

Until August 2020, corruption without judicial consequences was the norm. No cases of corruption of the accused were subject to sanction in courts. The Government Attorney General's Office (MP, by its Spanish initials) did not fulfill its responsibility to investigate and prosecute the culprits and, in cases such as the ODEBRECHT scandal, not only prepared a terrible file, but also excluded government officials and leaders of the official party from it.

The damage to justice that occurred between 2016 and 2020 is immense. The National Council of the Magistracy appointed members of the ruling party to the Supreme Court of Justice and other high courts and obstructed the entry of respectable judges into the high courts. On the other hand, the acting Attorney General, who is the leader of the party that governed, rigged competitions to select new prosecutors and place unconditional followers in the prosecutor's offices, violated the processes (as denounced in 2018 by the journalist Edith Febles), archived files of his party colleagues in the ODEBRECHT case definitively when he had reported they were provisionally archived (a fact reported by the Deputy Prosecutor in charge of the Specialized Prosecutor's Office for the Prosecution of Administrative Corruption, PEPCA, in 2020), sowed fear and won the widespread rejection of society.

As of August 2020, the new administration has taken important steps in achieving judicial independence and effectiveness, with the appointment of an attorney general and anti-corruption prosecutors with extensive experience and public respect. In 10 months, the new Government Attorney General's Office has brought to justice several cases of corruption of the past and current administration. In response to public complaints, some officials have been dismissed and the commitment to strengthening justice and rejecting corruption has been reiterated on multiple occasions. Based on these actions, in recent months, the recently published Capacity to Combat Corruption (CCC) Index registers an improvement in the position of the Dominican Republic.

In recent years, the country has experienced a broad participation of important segments of civil society, expressed in movements, such as the Green March and the Youth on Flag Square (with replicas in different regions of the country and different parts of the world), accompanied by strong support from sectors of the press and social media. These movements influenced the awakening of citizens by the demand for transparency to the new authorities. At the moment, there is greater vigilance and effectiveness of civil society, not only against corruption and impunity, but also for institutionality, human rights, political reforms, and inclusion.

Despite the pandemic, the Dominican Republic was able to hold national and local elections in 2020, which were marked by the excessive use of public resources in favor of the presidential candidate of the ruling party. The failure of the automatic vote in the municipal



elections of February forced its suspension and to make a new call for March. According to the Central Electoral Board (JCE, by its Spanish initials), there was an abstention of 44.71% in the elections of July 5 (Presidential, Senatorial and Deputy Elections). The main opposition party won at all levels, presidential, congressional, and municipal.

In the management and transparency of financial resources by political parties, no major progress has been made. The Central Electoral Board has not exercised the powers granted to it by law to control the income and expenditure of the parties. There is evidence of substantial investment in access to elective positions by organized crime, gambling banks and money laundering, as well as sectors interested in doing business with the State. The new electoral authorities have pledged to strengthen the financial control of the parties, although no results have yet been seen.

The country has maintained some progress in access to information, although the data are often incomplete. These have served as the basis for important contributions made by investigative journalists who have helped to prepare judicial files. The transparency of public institutions is still a pending goal.

Oversight bodies of public resources are at the moment in the process of institutionalization and strengthening, after they were practically annulled and corrupted. This is the case of the Chamber of Accounts, the Comptroller General's Office, and the Directorate General for Public Procurement and Contracting.

Gender equity remains a pending challenge, especially in the area of political parties, access to elective positions and the government cabinet. Women's participation in leadership positions remains a minority and men continue to control party structures almost entirely. At the electoral political level, the pandemic strongly impacted the promotion of candidates for the different positions of election in which women were trapped between isolation, immobility, and household responsibilities. For this year's 2020 elections, a total of 8,463 women ran as candidates for municipal and congressional offices. The results show that, in the new National Congress, there was a 7.1% decrease in the number of women, from 56 legislators in 2016 to 52 in 2020.

The country is making progress in cooperation in combating international crime, especially in the prosecution of drug trafficking. In recent months, there have been record numbers of drug seizures.

To perform this work, the difficulties presented have been essentially: the health crisis due to the COVID-19 virus pandemic that has affected the world and that, in our case, has had a strong economic-social impact on the population and organizations, which limited the participation of volunteers and technicians linked to the process and greatly restricted carrying out face-to-face activities together; maintain the articulation of various Civil Society Organizations (CSOs), in order to complete the entire methodological process; and to be able to identify within the plans of the new authorities what their approach is to the Lima Agreement and how this is expressed in their work plans.



Results for the Dominican Republic

As a result of the VIII Summit of the Americas, a process in which the Citizen Forum of the Americas had an active participation, the countries of the region signed the Lima Agreement, entitled "Democratic Governance against Corruption," which established 57 commitments, in order for member states to implement concrete actions to build citizen's trust in institutions and reduce the negative impact of corruption on the effective enjoyment of human rights and sustainable development of the peoples in the American hemisphere.

To follow up on the implementation of the Lima Summit agreements, 19 of the 57 commitments were selected based on four criteria: (i) commitments that could be sustainable over time, (ii) commitments that have a greater possibility of institutionalization, (iii) that incorporate new approaches in anti-corruption actions, and (iv) that include the perspective of population in condition of vulnerability classified. These 19 commitments are grouped into 5 specific topics:

- A. Reinforcement of Democratic Governance.
- B. Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.
- C. Financing of Political Organizations and Election Campaigns.
- D. Prevention of Corruption in Public Works and Public Procurement and Contracting.
- E. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.

These commitments were analyzed by identifying policy and practical developments which were rated on a scale⁶ of 0 to 3, taking into account the follow-up criteria below:

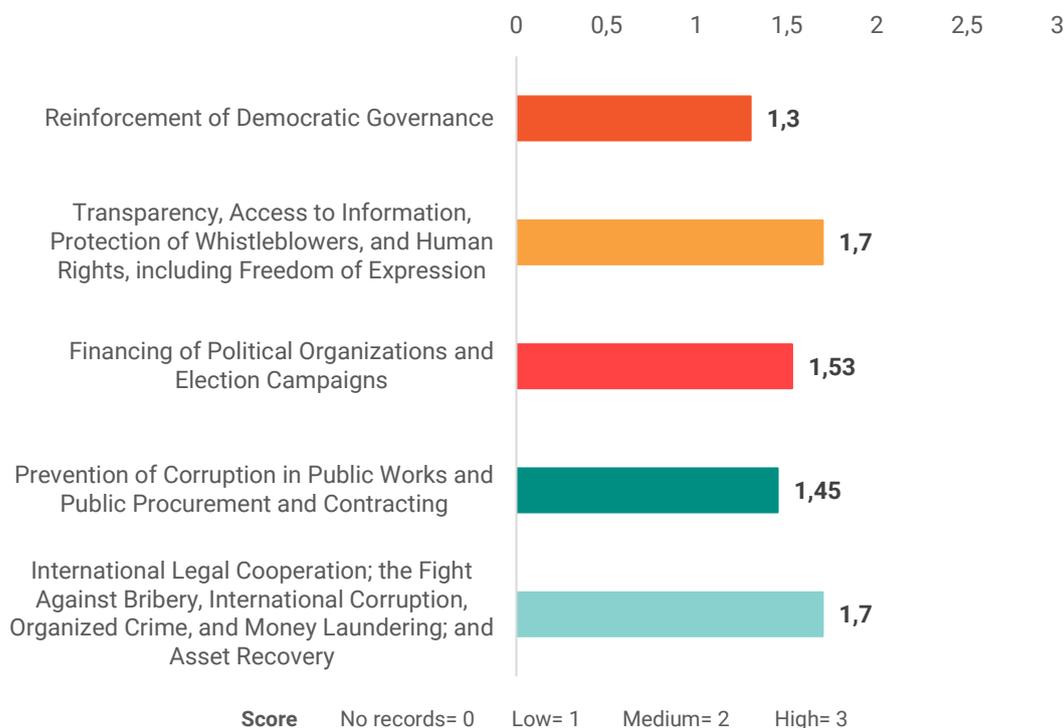
- **Effectiveness:** Establishes to what extent the actions developed by the government as a result of the Lima Agreement contribute to the fight against corruption in the country.
- **Relevance:** Establishes to what extent the actions developed by the government are timely, convenient and adequate according to the economic, institutional and/or social context of the country.
- **Sustainability:** Determines to what extent the actions carried out to fulfill the commitment will have continuity over time.

Graph 1 shows the overall results obtained for the Dominican Republic in the five topics in which the commitments are classified:

⁶ Rated on a scale of 0 to 3: 0= no records, 1=low, 2=medium, and 3=high



Graph 17. Results by themes of the Lima Agreement (see Annex 1)



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

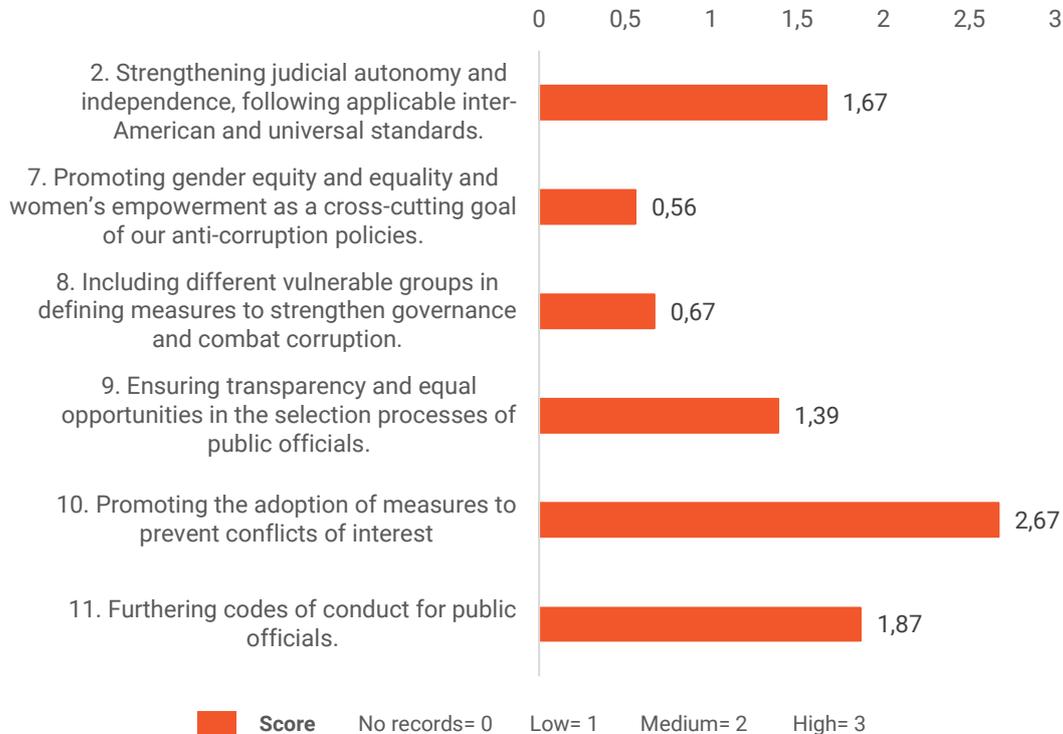
- Following up on the CCO methodology and the rating criteria, the thematic axes in which the prioritized commitments of the Lima Summit 2018 have been divided have not reached an average rating (2.0/3.0), even though in most cases there are regulatory indicators. The result indicates that the least progress has been in the axis on reinforcement of democratic governance, where only the result has been little more than a low level. The topics where the greatest progress is recorded, with a rating of (1.7/3.0), lack some fundamentally necessary regulations to fully comply with the commitments.

To know specifications of the level of progress of regulatory indicators and the practical fulfillment of the commitments, the results of each of the themes are presented below, pointing out significant progress of that thematic axis, and the best and worst rated commitments.

⁷ The colors implemented in the graphs of this document account for the color assignment given to each of the thematic axes for the CCO and do not correspond to a numerical scale.

1. Reinforcement of Democratic Governance.

Graph 2. Result of Commitments Related to Reinforcement of Democratic Governance.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

- In terms of the reinforcement of democratic governance, there has been no significant progress since the Lima Agreements because the regulatory structure in this regard predates the Summit. With regard to the justice system, even though regulations establish its independence, it does not exist in fact since the figures who head it, for the most part, are appointed obeying political guidelines and, therefore, biased.

In terms of transparency in the financial information of public officials, there are improvements in affidavits since the number and quality of the information contained in them has increased. Despite the limitations in the resources allocated to oversight bodies, we have been able to visualize a slight progress with the prosecution of public officials who presented irregularities in their statements, but a higher level of effectiveness is required in the monitoring of that information if corruption is to be reduced.

- Commitment 11 has been the best rated with (1.87/3.0). Although there is a code of ethical guidelines that attempts to regulate the behavior of public officials and is applicable to the entire state structure, without distinction of hierarchy or position, its application and compliance has not been institutionalized as State policy. The positive rating of this commitment depends a lot on the regulatory part because, in practice,



the progress has been minimal, even though initiatives have recently been taken to promote the application of this code. With regard to the promotion of codes of ethics in the private sector, so far there are no known initiatives by the State beyond the existing regulations.

- Commitment 7 obtained the lowest rating (0.56/3.0). This is because, although it is true that the country has an institution responsible for ensuring that public policies that take into account the gender approach (Ministry of Women) are drawn up and implemented, this has not been achieved for anti-corruption policies. Although there are women in managerial positions within anti-corruption institutions, there are no women's organizations or groups belonging to the public administration that have an active participation in the creation of such policies (either at the consultative or decision-making level). In the country, there is no study that accounts for the differential impact of corruption on vulnerable populations and/or women.

2. Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.

Graph 3. Result of Commitments Related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

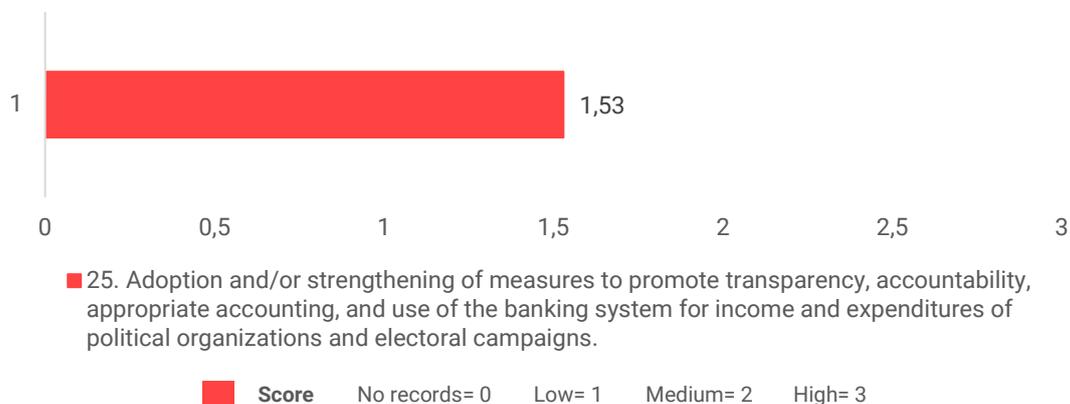


- The lack of transparency in the management of public resources and illicit enrichment has reached disproportionate levels as a result of the complicity of oversight bodies and the inefficiency in the application of justice, where impunity has prevailed in the face of embezzlement of the public. It should be underscored that there is no State policy that promotes citizen participation in the management of the government in the fight against corruption. However, civil society organizations have demanded higher levels of transparency and an impartial Government Attorney General's Office, above all, an independent justice system. As a result of these demands and with the change of government, an Attorney General without party ties was appointed and this year, for the first time in our recent history, there are large cases of administrative corruption. That is why progress is reflected in the fulfillment of this commitment but referring to year 2020.
- Commitment 16 has been the best rated with (2.20/3.0). In practical terms, progress has been made on the issue thanks to the work carried out by civil society organizations promoting Law No. 200-04 as a tool of social control. However, there are still failures in compliance with the law by the State as there are cases of erroneous information, unreliable or a denial of it, non-compliance with delivery deadlines and inter-institutional forwarding of the requests made. Moreover, that rule lacks a sound consequence regime. Between 2018 and 2020, there is no regulatory progress. With regard to practical indicators, the weakness persists that the oversight body lacks autonomy since it is an entity of the Presidency of the Republic.
- Commitment 22 has the lowest rating with 1.07/3.0. The regulatory part presents the need for the approval of the draft Law on the Protection of Victims and Witnesses and the creation of adequate protocols for its execution. As for the practical part, although there are channels, such as line 311, which creates the Citizen Attention System for accusations, complaints and claims, there are no guidelines or guarantees on the protection of informants. There are no known institutional reports on reprisals against witnesses or whistleblowers for acts of corruption.



3. Financing of Political Organizations and Election Campaigns.

Graph 4. Result of Commitments Related to Financing of Political Organizations and Election Campaigns.

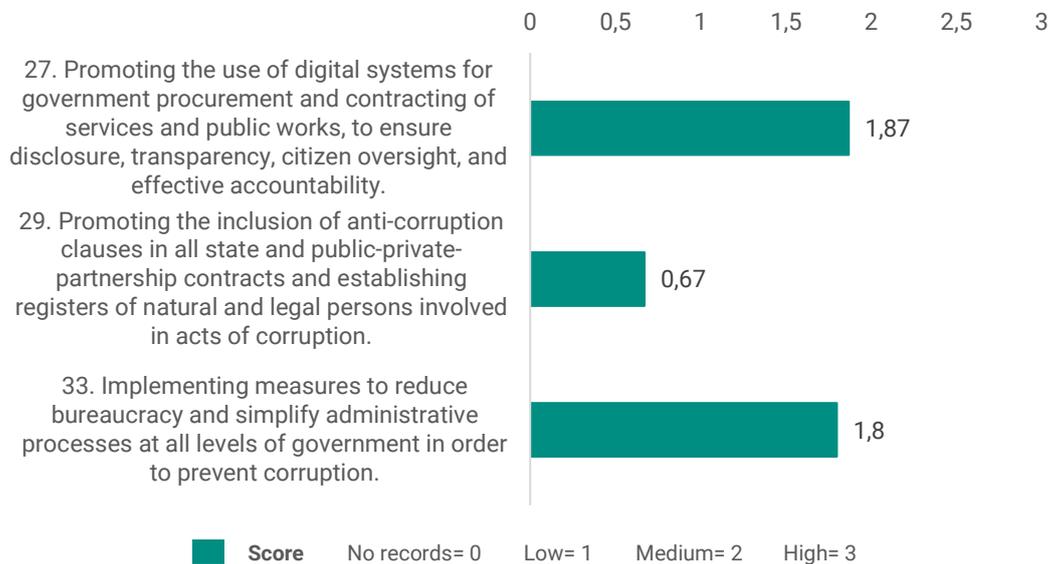


Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

- In the policy aspect of this commitment (with a rating of 1.53/3.0), progress has been made with the approval of Law No. 15-19, which regulates the electoral regime and requires accountability for the use of resources from electoral campaigns, and the approval of the regulations on financial audit and control of political parties, which systematizes the accounting management of political campaign resources and forces the opening of bank accounts for the management of resources.
- In that regard, the Central Electoral Board has been empowered to review accountability through the approval of Law No. 33-18, which regulates which sources of financing are prohibited or permitted and which empowers this body to provisionally sanction in case of non-compliance. Despite regulatory developments, no significant progress has been made in practical terms due to partial compliance with the newly adopted laws.

4. Prevention of Corruption in Public Works and Public Procurement and Contracting.

Graph 5. Results of Commitments Related to Prevention of Corruption in Public Works and Public Procurement and Contracting.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

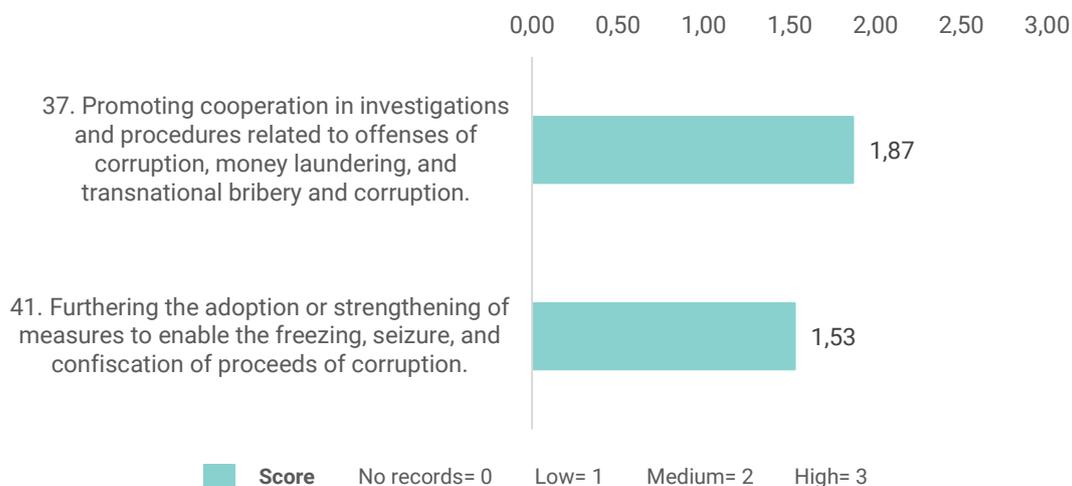
- The main progress consists of the implementation of the National Public Procurement and Contracting System (SNCCP, by its Spanish initials) that is governed by a legal framework attached to the guiding principles of the Dominican Constitution and Law No. 340-06, which pursues transparency, participation and excellence in public procurement procedures, a fundamental tool to curb administrative corruption. This system has a Transactional Portal, which allows public institutions to do the entire contracting process online, from planning to contract management. This platform is mandatory and is based on Decrees 15-17 and 350-17. It can be highlighted as an important achievement of the use of electronic systems to have reached some 336 institutions implemented in Portal, of which 30 new institutions were added during the year 2020: 4 local governments and 26 institutions of the central and decentralized government.
- Commitment 27 is the best rated with 1.87/3.0. It stands out as an achievement the use of the electronic system or Transactional Portal, which is mandatory in online registration for the purchasing and contracting processes, as well as the registration of suppliers that apply for government procurement processes. In addition, suppliers must meet other requirements to apply for. With regard to the role of citizens in public procurement oversight processes, Decree 183-15 applies. However, it is pending to create the conditions for the implementation of this important regulation. One of the weaknesses of the system is usually how complex it is for citizens to access

information because the platform is not friendly. Some information is usually not so clear, which generates confusion, although it can be downloaded for later analysis.

- Commitment 29 obtained the lowest rating (0.67/3.0). The country does not have a regulation that establishes the mandatory nature of the inclusion of this type of clauses for public procurement and contracting. In recent months, the Directorate General for Public Procurement (DGCP), through the Registry of State Suppliers, has been carrying out a series of controls for those natural and legal persons who wish to constitute themselves as suppliers of the State. There is no register of natural and legal persons linked to acts of corruption and money laundering, even though in the last two years there have been scandals over contracts granted to natural and legal persons linked to acts of corruption in the public administration. In practical terms, there is no evidence of political will to provide the country with regulations that require this type of formality in accordance with the commitment.

5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.

Graph 6. Result of Commitments Related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.



Prepared by author on the basis of information provided by CSOs participating in the CCO Platform.

- The re-entry of the Financial Analysis Unit of the Dominican Republic (UAFRD, by its Spanish initials) to the EGMONT Group acquires relevance, which allows the country the permanent exchange of information through the platform in a secure way, with all the analysis and intelligence units of the world that are integrated into this group. Another important element has been the positive rating of the evaluation carried out by the Financial Action Task Force of Latin America (GAFILAT, by its Spanish initials) in the “Mutual Evaluation Report of the Dominican Republic.”



- The country's adherence and continuity of the commitments assumed in international conventions related to the subject are valued. Recently, the country was elected as part of the Commission on Crime Prevention and Criminal Justice (CCPCJ, by its Spanish initials) for the 2022-2024 period, whose purpose, among other issues, is to combat national and transnational crime, including organized crime, economic crime, and money laundering.
- Commitment 37 has been the best rated with (1.87/3.0). The country adhered to the Punta del Este Declaration, which reinforces measures against tax evasion and corruption. There have been cases of cooperation between authorities, but the actions carried out by the government have not reflected significant progress in complying with it. Although mechanisms exist, no interest was shown in promoting the widest cooperation. Similarly, it is noteworthy to point out recent initiatives, mainly in the appointment of senior positions of the Office of the Attorney General, without political affiliation, and new members in the Chamber of Accounts. It is not yet possible to point out that, in terms of sustainability, it is possible to guarantee the fulfillment of the commitment, going from being actions of the government and the administration that develops them to State decisions and commitments.
- Commitment 41 obtained the lowest rating with 1.53/3.0. The only policy progress that we can point out after the year 2018 has been Decree 22-21, which instructs the recovery of assets, funds and securities distracted from state assets through the formation of a team of lawyers who represent the State in such process, but conclusive results are not yet reflected. Actions of preventive attachment and seizure of assets are identified, but they are tied to the current government, so that so far it is not possible to indicate compliance with it as a Commitment of the State. The Law on forfeiture is non-existent in the country, whose project has perished on several occasions in the Chamber of Deputies and has been stalled for years, this law being a necessary legal piece for the strengthening of anti-corruption measures and the recovery of assets, funds and securities distracted from state assets. There has not been the necessary political will to allow significant progress in relation to the commitment.

Conclusions

In the fight against corruption, the Dominican Republic has had a negative rating in recent years due to the lack of political will and a culture of corruption took root throughout the government train, fostered, and led by political officials. This is expressed in the Corruption Index published by Transparency International (2020), where it has been rated 28 out of 100. Furthermore, in the Global Corruption Barometer (2019), where, for the region of the Americas, a sample of 18 countries was taken, the country was 2nd. with higher score in the increase of corruption.



In general terms, partial compliance has been given to the commitments prioritized by the Citizen Corruption Observatory. However, despite the principle of continuity of the State, compliance with a large part of the measures adopted are subject to the current government, reflecting a weakness in the will to institutionalize efforts, limiting the guarantee of sustainability over time, which means that we cannot yet indicate that they, in practical terms, have been constituted as State commitments.

The most advanced topics have been Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression (1.7) and International Legal Cooperation; the Fight against Bribery, International Corruption, Organized Crime and Money Laundering; and Asset Recovery (1.7). Based on the resulting rating and the criteria established by the CCO, we can indicate that the developments do not clearly establish implementation and monitoring mechanisms or are not consistent with existing capacities and that the progress on the matter partially develop some provisions of the commitments, deficiencies and/or significant delays in the fulfillment of the provisions.

Calls to action

- ✓ Have the necessary economic resources that allow the Judiciary (Supreme Court of Justice) and the Government Attorney General's Office (Office of the Attorney General) to give an adequate administration of justice that allows to face the great challenges that the persecution of administrative corruption entails. That is why it is necessary to comply with the delivery of 4.10%, as established by Law 194-04 on budgetary autonomy.
- ✓ Modify the composition of the National Council of the Magistracy, which is the Dominican constitutional body, responsible for appointing the judges of the Supreme Court of Justice, Constitutional Court, and Superior Electoral Tribunal, to reduce the participation of partisan political agents.
- ✓ Guarantee the independence of the Government Attorney General's Office, with legal support, in which the form of appointment of the Attorney General (PGR, by its Spanish initials) is modified, which, so far in accordance with Article 171 of the Constitution, is carried out by the President of the Republic.
- ✓ Create a working group on women's leadership and empowerment that actively promotes collaboration between inter-American institutions and synergy with other international agencies, as established in Commitment 7, by promoting gender equity and equality as a cross-cutting objective of anti-corruption policies.
- ✓ Promote and include the various groups in vulnerable situations in the definition of measures to strengthen governance and combat corruption, recognizing its serious impact on these populations, as established in Commitment 8.



- ✓ Standardize the guidelines of the codes of conduct of public officials, which allow to reduce ambiguities of interpretation.
- ✓ Carry out programs, campaigns and/or training sessions that promote the application of the Code of Conduct for Public Servants and monitor the levels of compliance with it, starting from a departmental level of state institutions.
- ✓ Make approaches to private sectors (especially those with greater links with the State), for the promotion and execution of similar codes.
- ✓ Strengthen mechanisms to prevent and combat corruption, adapt national legislation, and align it with the international scope, especially criminal law, in the definition of all acts of corruption. Strengthen the regime of consequences, promote transparency and the prevention of acts of that nature is an essential tool for achieving greater effectiveness in the fight against this scourge.
- ✓ Characterize all crimes of corruption in the criminal code in accordance with international conventions on the matter and establish sanctions commensurate with the crimes committed.
- ✓ Require a regime of consequences with coercive measures in order to comply with the provisions set forth in Law 200-04, which guarantees, among other aspects, the right of citizens to access the information recorded in all types of documents (written, recorded, optical, electronic, images among others, including State entities and those where it has participation).
- ✓ Strengthen open government programs and plans, digital government, electronic systems, among others, as corruption prevention mechanisms.
- ✓ Guarantee the presence of adequate and updated information on the web portals of State institutions.
- ✓ Promote and foster e-learning spaces for State officials, as well as for citizens in general, which allows to guarantee an active social participation in the exercise of oversight.
- ✓ Have information, consultation, and control spaces in the construction and/or monitoring of e-government plans and policies and corruption prevention tools and mechanisms.



- ✓ Comply with budgetary allocations to the Chamber of Account and Comptroller's Office of the Republic, which allows them an effective supervision and control of public administration.
- ✓ Evaluate procedures, protocols, and regulations for the selection of senior officials of oversight bodies.
- ✓ Prepare and disseminate statistical reports that allow to evaluate and measure the effectiveness of transparency policies through comparative analyses.
- ✓ Have a law for the protection of victims, witnesses and whistleblowers and the creation of adequate protocols for its execution, which define the measures and mechanisms aimed at the protection of whistleblowers of corruption cases, including family members, collaborators, and allies.
- ✓ Streamline the management and oversight bodies of the Central Electoral Board with the aim of guaranteeing the proper use of public resources by candidates and political parties, as established by the Organic Law on Electoral Regime 15-19.
- ✓ Comply with the provisions established in the Law on Political Parties, Groups and Movements 33-18 regarding sanctions for the improper use of resources during political campaigns, ensuring their proper use.
- ✓ Improve the control of the accountability of candidates and political parties, ensuring the correct use of the formats established by law, financial supports and statements, and that the resources reported are in accordance with the data of the bank accounts that have been registered to systematize the accounting management of resources, ensuring compliance with deadlines.
- ✓ Reform Law 340-06 by updating and improving its content, incorporating a regime of consequence, and adapting regulations to the needs of public procurement and contracting processes.
- ✓ Make the use of the DGCP transparency portal more friendly, so users can have information more easily.
- ✓ Have a regulation on the incorporation of anti-corruption clauses in State contracts, including public-private partnerships, in accordance with current legislation on the matter and the highest ethical standards.
- ✓ Prepare a list of natural and legal persons that are linked to acts of corruption in order to avoid their contracting.



- ✓ Apply an adequate prevention strategy on the risk of legal non-compliance in public procurement processes.
- ✓ Articulate, promote and strengthen the broadest cooperation between local authorities responsible for preventing, investigating and punishing corruption crimes, as well as with foreign authorities and international organizations, when required.
- ✓ Develop and implement an integrity program for all legal entities (including consortia) that intend to contract with the State, from a certain amount, covering goods and services, public works, public-private partnerships, concessions, and licenses. Something similar to what is already incorporated by other countries, such as Argentina, Peru (where they call it a prevention model), Chile (a certain Crime Prevention System, which includes bribery and money laundering), and the United States of America with its Foreign Corrupt Practices Act (FCPA). Having an integrity program in private legal entities and consortia would serve to structure and strengthen good governance and have an effective risk management of corporate criminal liability.
- ✓ Align and integrate efforts in conjunction with the Sustainable Development Goals of the United Nations, specifically with the following Key Goals: 1 No Poverty, 4 Quality Education, 5 Gender Equality, 8 Decent Work and Economic Growth, 10 Reduce Inequalities and 16 Peace, Justice and Strong Institutions, taking a holistic and comprehensive view of the impact on corruption and impunity.
- ✓ Have a law on Forfeiture, so assets from corruption are recovered, establishing relevant mechanisms and all necessary tools for its application and which defines the purpose of the assets, funds and securities recovered.
- ✓ Strengthen and improve institutional measures on assets freezing and confiscation processes.



Actions and Recommendations for Compliance with the Lima Agreement in the Dominican Republic.

Theme 1. Reinforcement of Democratic Governance	
Action	Recommendations
Strengthen the economic capacities of the justice system.	Have the necessary economic resources that allow the Judiciary (Supreme Court of Justice) and the Government Attorney General's Office (Office of the Attorney General) to give an adequate administration of justice that allows to face the great challenges that the persecution of administrative corruption entails. That is why it is necessary to comply with the delivery of 4.10%, as established by Law 194-04 on budgetary autonomy.
Strengthen the independence of the justice system.	Modify the composition of the National Council of the Magistracy, which is the Dominican constitutional body, responsible for appointing the judges of the Supreme Court of Justice, Constitutional Court, and Superior Electoral Tribunal, to reduce the participation of partisan political agents.
	Guarantee the independence of the Government Attorney General's Office, with legal support, in which the form of appointment of the Attorney General (PGR, by its Spanish initials) is modified, which, so far in accordance with Article 171 of the Constitution, is carried out by the President of the Republic.
Strengthen the gender approach and vulnerable populations in the creation of anti-corruption public policies.	Create a working group on women's leadership and empowerment that actively promotes collaboration between inter-American institutions and synergy with other international agencies, as established in Commitment 7, by promoting gender equity and equality as a cross-cutting objective of anti-corruption policies.
	Promote and include the various groups in vulnerable situations in the definition of measures to strengthen governance and combat corruption, recognizing its serious impact on these populations, as established in Commitment 8.

Guarantee compliance with the Codes of Conduct of Public Servants and promote the execution of codes of conduct in the private sector.	Standardize the guidelines of the codes of conduct of public servants, which allow to reduce ambiguities of interpretation.
	Carry out programs, campaigns and/or training sessions that promote the application of the Code of Conduct for Public Servants and monitor the levels of compliance with it, starting from a departmental level of state institutions.
	Make approaches to private sectors (especially those with greater links with the State), for the promotion and execution of similar codes.

Theme 2. Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression

Action	Recommendations
Strengthen anti-corruption policies on legal matters.	Strengthen mechanisms to prevent and combat corruption, adapt national legislation, and align it with the international scope, especially criminal law, in the definition of all acts of corruption. Strengthen the regime of consequences, promote transparency and the prevention of acts of that nature is an essential tool for achieving greater effectiveness in the fight against this scourge.
	Define all crimes of corruption in the criminal code in accordance with international conventions on the matter and establish sanctions commensurate with the crimes committed.
	Require a regime of consequences with coercive measures in order to comply with the provisions set forth in Law 200-04, which guarantees, among other aspects, the right of citizens to access the information recorded in all types of documents (written, recorded, optical, electronic, images among others, including State entities and those where it has participation).

Promote open government policies and plans.	Strengthen open government programs and plans, digital government, electronic systems, among others, as corruption prevention mechanisms.
	Guarantee the presence of adequate and updated information on the web portals of State institutions.
	Promote and foster e-learning spaces for State officials, as well as for citizens in general, which allows to guarantee an active social participation in the exercise of oversight.
	Have information, consultation, and control spaces in the construction and/or monitoring of e-government plans and policies and corruption prevention tools and mechanisms.
Guarantee the autonomy of oversight bodies.	Comply with budgetary allocations to the Chamber of Account and Comptroller's Office of the Republic, which allows them an effective supervision and control of public administration.
	Evaluate procedures, protocols, and regulations for the selection of senior officials of oversight bodies.
Design statistics and indicators linked to the impact on corruption and transparency policies.	Prepare and disseminate statistical reports that allow to evaluate and measure the effectiveness of transparency policies through comparative analyses.
Guarantee the protection of whistleblowers, witnesses, and informants of corruption cases.	Have a law for the protection of victims, witnesses and whistleblowers and the creation of adequate protocols for its execution, which define the measures and mechanisms aimed at the protection of whistleblowers of corruption cases, including family members, collaborators, and allies.

Theme 3. Financing of Political Organizations and Election Campaigns

Action	Recommendations
Strengthen the control of political parties by the electoral body for the use of resources in electoral campaigns.	Streamline the management and oversight bodies of the Central Electoral Board with the aim of guaranteeing the proper use of public resources by candidates and political parties, as established by the Organic Law on Electoral Regime 15-19.
	Comply with the provisions established in the Law on Political Parties, Groups and Movements 33-18 regarding sanctions for the improper use of resources during political campaigns, ensuring their proper use.
	Improve the control of the accountability of candidates and political parties, ensuring the correct use of the formats established by law, financial supports, and statements, and that the resources reported are in accordance with the data of the bank accounts that have been registered to systematize the accounting management of resources, ensuring compliance with deadlines.

Theme 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

Action	Recommendations
Strengthen public contracting, procurement and concession processes.	Reform Law 340-06 by updating and improving its content, incorporating a regime of consequence, and adapting regulations to the needs of public procurement and contracting processes.
Facilitate the use of electronic systems to ensure transparency, citizen oversight and effective accountability.	Make the use of the DGCP transparency portal more friendly, so users can have information more easily.
Promote the prevention of corruption and good practices in State procurement.	Have a regulation on the incorporation of anti-corruption clauses in State contracts, including public-private partnerships, in accordance with current legislation on the matter and the highest ethical standards.

Theme 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

	Prepare a list of natural and legal persons that are linked to acts of corruption in order to avoid their contracting.
	Apply an adequate prevention strategy on the risk of legal non-compliance in public procurement processes.

Theme 5. International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery

Action	Recommendations
Strengthen spaces for cooperation between national and international authorities on the fight against corruption in all its aspects, organized crime and asset recovery.	Articulate, promote, and strengthen the broadest cooperation between local authorities responsible for preventing, investigating and punishing corruption crimes, as well as with foreign authorities and international organizations, when required.
	Develop and implement an integrity program for all legal entities (including consortia) that intend to contract with the State, from a certain amount, covering goods and services, public works, public-private partnerships, concessions, and licenses. Something similar to what is already incorporated by other countries, such as Argentina, Peru (where they call it a prevention model), Chile (a certain Crime Prevention System, which includes bribery and money laundering), and the United States of America with its Foreign Corrupt Practices Act (FCPA). Having an integrity program in private legal entities and consortia would serve to structure and strengthen good governance and have an effective risk management of corporate criminal liability.
	Align and integrate efforts in conjunction with the Sustainable Development Goals of the United Nations, specifically with the following Key Goals: 1 No Poverty, 4 Quality Education, 5 Gender Equality, 8 Decent Work and Economic Growth, 10 Reduce Inequalities and 16 Peace, Justice and Strong Institutions, taking a holistic and comprehensive view of the impact on corruption and impunity.

Theme 4. Prevention of Corruption in Public Works and Public Procurement and Contracting

<p>Provide the country with new rules and legal sanctions for the fight against corruption and the recovery of assets, funds and securities distracted from State assets.</p>	<p>Have a law on Forfeiture, so assets from corruption are recovered, establishing relevant mechanisms and all necessary tools for its application and which defines the purpose of the assets, funds and securities recovered.</p>
	<p>Strengthen and improve institutional measures on assets freezing and confiscation processes.</p>

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Annexes

1. Annex 1 Rating of the Lima Agreement in the Dominican Republic.

Table 1. Follow-up Criteria for Commitments related to Reinforcement of Democratic Governance.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
2. Strengthening judicial autonomy and independence following applicable inter-American and universal standards on this matter to promote respect for the Rule of Law and access to justice, as well as to promote and encourage policies of integrity and transparency in the judicial system.	1.80	1.60	1.60	1.67
7. Promoting gender equity and equality and women's empowerment as a cross-cutting goal of our anti-corruption policies, through a task force on women's leadership and empowerment that will actively promote cooperation among inter-American institutions and synergies with other international agencies.	0.67	0.50	0.50	0.56
8. Including different vulnerable groups in defining measures to strengthen governance and combat corruption, recognizing their serious impact on these populations.	0.80	0.60	0.60	0.67
9. Ensuring transparency and equal opportunities in the selection processes of public officials, based on objective criteria, such as merit, equity, and aptitude.	1.50	1.17	1.50	1.39
10. Promoting the adoption of measures to prevent conflicts of interest, as well as the submission of declarations of assets and financial information by public officials, as appropriate.	2.00	1.20	1.80	1.67
11. Furthering codes of conduct for public officials that contain high standards of ethics, probity, integrity, and transparency, using as a point of reference the "Guidelines for the Management of Policies for Probity in the Public Administrations of the Americas" and urging the private sector to develop similar codes of conduct.	2.20	1.40	2.00	1.87

Table 2. Follow-up Criteria for Commitments related to Transparency, Access to Information, Protection of Whistleblowers, and Human Rights, including Freedom of Expression.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
13. Continuing to strengthen national anti-corruption measures or systems and enhancing conditions for the effective participation of civil society, social organizations, academia, the private sector, citizens, and other social actors in monitoring government performance, including the development of prevention mechanisms, channels for reporting possible acts of corruption and facilitating the work of watchdogs, including other social oversight mechanisms, and incentivizing the adoption of digital means of participation.	1.80	2.00	1.80	1.87
14. Promoting and/or strengthening the implementation of national and subnational policies and plans of open government, digital government, open data, fiscal transparency, open budgeting, digital procurement systems, public contracting and a public registry of state suppliers, considering towards that end the participation of civil society and other social actors.	2.00	1.80	1.80	1.87
15. Consolidating the autonomy and independence of high-level oversight bodies.	2.20	2.00	2.00	2.07
16. Implementing and/or strengthening of bodies responsible for transparency and access to public information, based on applicable international best practices.	2.20	2.20	2.20	2.20
18. Developing statistics and indicators in our countries for assessing the impact of transparency and anti-corruption policies and advancing government capacity in this field.	1.33	1.67	1.11	1.37
21. Promoting the adoption and/or strengthening of legislative measures to criminalize acts of corruption and related offenses consistent with the United Nations Convention against Corruption (UNCAC), the United Nations Convention against Transnational Organized Crime, and the Inter-American Convention against Corruption (IACAC).	1.60	1.20	1.60	1.47
22. Protecting whistleblowers, witnesses, and informants of acts of corruption from intimidation and retaliatory actions.	1.40	0.80	1.00	1.07

Table 3. Follow-up Criteria for Commitments related to Financing of Political Organizations and Election Campaigns.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
25. Encouraging adoption and/or strengthening of measures to promote transparency, accountability, appropriate accounting, and use of the banking system for income and expenditures of political organizations and parties, especially those related to their electoral campaigns, in order to guarantee the licit origin of the contributions and penalizing anyone involved in accepting illicit contributions.	1.80	1.40	1.40	1.53

Table 4. Follow-up Criteria for Commitments related to Prevention of Corruption in Public Works and Public Procurement and Contracting.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
27. Promoting the use of digital systems for government procurement and contracting of services and public works, to ensure disclosure, transparency, publicity, citizen oversight, and effective accountability.	2.00	1.80	1.80	1.87
29. Promoting the inclusion of anti-corruption clauses in all state and public-private-partnership contracts and establishing registers of natural and legal persons involved in acts of corruption and money laundering with a view to ensuring that they are not contracted.	0.60	0.60	0.80	0.67
33. Implementing measures to reduce bureaucracy and simplify administrative processes at all levels of government in order to prevent corruption.	1.80	1.40	2.20	1.80

Table 5. Follow-up Criteria for Commitments related to International Legal Cooperation; the Fight Against Bribery, International Corruption, Organized Crime, and Money Laundering; and Asset Recovery.

Commitment	Relevance	Effectiveness	Sustainability	Country Average
37. Promoting the broadest possible cooperation among judicial, police, and prosecutorial authorities, financial intelligence units, and administrative authorities in investigations and procedures related to offenses of corruption, money laundering, and transnational bribery and corruption.	2.20	1.60	1.80	1.87
41. Furthering the adoption or strengthening of measures through relevant institutions to enable the freezing, seizure, and confiscation of proceeds of corruption.	1.60	1.40	1.60	1.53