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# Dominican Republic's Constitution of 2010

Historical

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Translated by Luis Francisco Valle Velasco

- God or other deities
- Right to self determination
- Source of constitutional authority
- Preamble
- Political theorists/figures
- Human dignity
- Reference to fraternity/solidarity

## Preamble

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We, representatives of the Dominican people, free and democratically elected, gathered in the National Revisory Assembly; invoking the name of God; guided by the ideology of our Fathers of the Fatherland, Juan Pablo Duarte, Matias Ramon Mella and Francisco del Rosario Sanchez, and the heroes of the Restoration that established a free, independent, sovereign and democratic Republic; inspired by the examples of the struggles and sacrifices of our immortal heroes and heroines; encouraged by the selfless work of our men and women; ruled by the supreme values and fundamental principles of human dignity, freedom, equality, the rule of law, justice, solidarity, fraternal coexistence, social well being, ecological balance, progress and peace, essential factors for social cohesion; declare our desire to promote the unity of the Dominican Nation, and as such while exercising of our self-determination we adopt and proclaim the following

## TITLE I. OF THE NATION, OF THE STATE, OF ITS GOVERNMENT AND OF ITS FUNDAMENTAL PRINCIPLES

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### CHAPTER I. OF THE NATION, OF ITS SOVEREIGNTY AND OF ITS GOVERNMENT

#### Article 1. Organization of the State

The Dominican people constitute a Nation organized as a free and independent State, with the name of the Dominican Republic.

#### Article 2. Popular sovereignty

Sovereignty resides exclusively in the People, from whom emanate all the powers, which are exercised by means of their representatives or in direct form, in the terms established by this Constitution and the laws.

#### Article 3. Inviolability of sovereignty and the principle of no intervention

The sovereignty of the Dominican Nation, a State free and independent of any foreign power, is inviolable. None of the public powers organized by this Constitution may realize or permit the realization of acts that constitute a direct or indirect intervention in the internal or external affairs of the Dominican Republic or an interference that infringes the personality and integrity of the State and of the attributes that are recognized and consecrated in this Constitution. The principle of non-intervention constitutes an invariable norm of Dominican international policy.

#### Article 4. Government of the Nation and separation of powers

The government of the Nation is essentially civil, republican, democratic and representative. It is divided into the Legislative Power, the Executive Power and the Judicial Power. These three powers are independent in the exercise of their respective functions. Their office holders are responsible and cannot delegate their attributions, which are uniquely determined by this Constitution and laws.

- Judicial independence
- Claim of executive independence
- Type of government envisioned

- Human dignity

## Article 5. Foundation of the Constitution

The Constitution is based on the respect for human dignity and on the indissoluble unity of the Nation, the common fatherland of all Dominicans [masculine] and Dominicans [feminine].

- Duty to obey the constitution
- Constitutionality of legislation

## Article 6. Supremacy of the Constitution

All the persons and the organs exercising public powers are subject to the Constitution, which is the supreme norm and foundation of the juridical order of the State. Any law, decree, resolution, regulation or act that is contrary to this Constitution is null of plain right.

## CHAPTER II. OF THE SOCIAL AND DEMOCRATIC STATE OF LAW

- Human dignity

### Article 7. Social and Democratic State of Law

The Dominican Republic is a Social and Democratic State of Law, organized in the form of a unitary Republic, founded on the respect for human dignity, of the fundamental rights, labor, popular sovereignty and the separation and independence of the public powers.

- Human dignity

### Article 8. Essential Function of the State

The effective protection of the rights of the person, the respect for their dignity and obtaining the means that permit their improvement in an equal, equitable and progressive form, within a framework of individual liberty and social justice, compatible with the public order, the general well being and the rights of all, is an essential function of the State.

## CHAPTER III. OF THE NATIONAL TERRITORY

### SECTION I. OF THE CONFORMATION OF THE NATIONAL TERRITORY

- International law

#### Article 9. National territory

The territory of the Dominican Republic is inalienable. It is conformed by:

1. The eastern part of the island of Santo Domingo, its adjacent islands and all of the natural elements of its marine geomorphology. Its irreducible terrestrial boundaries are set by the Frontier Treaty of 1929 and its Protocol of Revision of 1936. The national authorities see to the care, protection and maintenance of the markers that identify the course of the frontier demarcation line, in accordance with that provided in the frontier treaty and in the norms of International Law;
2. The territorial sea, the corresponding marine soil and subsoil. The extension of the territorial sea, its baselines, contiguous zone, exclusive economic zone and the continental shelf shall be established and regulated by the organic law or by agreements of delimitation of maritime frontiers, in the most favorable terms permitted by the Law of the Sea;
3. The airspace over the national territory, the electromagnetic spectrum and the space where it acts. The law shall regulate the use of these spaces in accordance with the norms of International Law.

#### Paragraph

The public powers shall procure, within the framework of international agreements, the preservation of the national rights and interests in the ultraterrestrial space, in order to

assure and improve the communication and the access of the population to the goods and services developed in it.

## SECTION II. OF THE REGIME OF FRONTIER SECURITY AND DEVELOPMENT

### Article 10. Frontier regime

The security, and the economic, social and tourist development of the Frontier Zone, its road, communicational and productive integration, as well as the dissemination of patriotic and cultural values of the Dominican people, are declared of supreme and permanent national interest. In consequence:

1. The public powers shall draft, execute and prioritize policies and programs of public investment in social works and works of infrastructure to assure these objectives;
2. The regime of acquisition and transference of real property in the Frontier Zone shall be submitted to specific legal requirements that special treatment to the property of Dominicans [masculine] and Dominicans [feminine] and the national interest.

- International law

### Article 11. Frontier treaties

The sustainable use and the protection of frontier rivers, the use of the international highway and the preservation of frontier markers using geodesic points, are regulated by the principles consecrated in the Protocol of Revision of 1936 of the Frontier Treaty of 1929 and the Treaty of Peace, Perpetual Friendship and Arbitration of 1929 subscribed with the Republic of Haiti.

## SECTION III. OF THE POLITICAL ADMINISTRATIVE DIVISION

### Article 12. Political administrative division

For the government and the administration of the State, the territory of the Republic is divided politically into a National District and into the regions, provinces and municipalities that the law determines. The regions will be conformed by the provinces and municipalities that the law establishes.

- Municipal government
- Subsidiary unit government

### Article 13. National District

The city of Santo Domingo de Guzmán is the National District, capital of the Republic and seat of the national government.

- National capital

## CHAPTER IV. OF THE NATURAL RESOURCES

### Article 14. Natural Resources

The non-renewable natural resources that are found in the territory and in maritime spaces under national jurisdiction, the genetic resources, the biodiversity and the radioelectric spectrum are patrimony of the Nation.

- Ownership of natural resources
- Protection of environment

### Article 15. Water resources

Water constitutes a strategic national asset of public use, it is inalienable, imprescriptible, unattachable and essential for life. The human consumption of water has priority over any other use. The State shall promote the development and implementation of effective policies for the protection of the water resources of the Nation.

- Right to water

## Paragraph

The upper basins of rivers and the zones of endemic, native and migratory biodiversity, are the object of special protection on the part of the public powers to guarantee their management and preservation as fundamental assets of the Nation. The rivers, lakes, lagoons, beaches and national coasts belong to the public domain and are of free access, always observing the respect for the right of private property. The law will regulate the conditions, forms and easements by which individuals will accede to the possession or management of such areas.

## Article 16. Protected areas

The wildlife, the conservation units that make up the National System of Protected Areas and the ecosystems and species contained in it, constitute patrimonial assets of the Nation and are inalienable, unattachable and imprescriptible. The boundaries of the protected areas can only be reduced by law with the approval of the two-thirds part of the votes of the members of the chambers of the National Congress.

## Article 17. Use of natural resources

The mineral and hydrocarbon deposits and, in general, the nonrenewable natural resources, can only be explored and exploited by individuals, under sustainable environmental criteria, by virtue of concessions, contracts, licenses, permits or quotas, in accordance with the conditions that the law determines. Individuals can use renewable natural resources in a rational manner with the following conditions, obligations and limitations that the law provides. In consequence:

1. The exploration and exploitation of hydrocarbons in the national territory and in maritime areas under national jurisdiction is declared a great public interest;
2. The reforestation of the country, the conservation of the forests and the renewal of forest resources is declared a national priority and of social interest;
3. The preservation and rational use of the living and non-living resources of the national maritime areas, especially all banks and emersions within the national policy of maritime development is declared a national priority;
4. The benefits received by the State by the exploitation of the natural resources will be dedicated to the development of the Nation and of the provinces where they are located, in the proportion and conditions established by law.

- Subsidiary unit government

# CHAPTER V. OF THE POPULATION

## SECTION I. OF THE NATIONALITY

- Requirements for birthright citizenship

### Article 18. Nationality

Dominicans [feminine] and Dominicans [masculine] are:

1. The sons and daughters of a Dominican mother or father;
2. Those who enjoy the Dominican nationality before the entry into effect of this Constitution
3. The persons born in the national territory, with the exception of the sons and daughters of foreign members of diplomatic and consular delegations, and of foreigners in transit or residing illegally in the Dominican territory. Any foreigner [masculine] or foreigner [feminine] defined as such in the Dominican laws is considered a person in transit;
4. Those born abroad, of Dominican father or mother, notwithstanding having acquired, by place of birth, a different nationality from that of their parents. Once having reached the age of eighteen years, they can express their will, before the competent authority, to assume the double nationality or renounce one of them;

5. Those who contract matrimony with a Dominican [masculine] or Dominican [feminine], as long as opting for the nationality of his or her spouse and meet the requirements established by the law;
6. The direct descendants of Dominicans resident abroad;
7. Naturalized persons, in accordance with the conditions and formalities required by law.

**Paragraph**

The public powers shall apply special policies to conserve and strengthen the bonds of the Dominican Nation with its nationals abroad, with the ultimate aim of achieving greater integration.

- Requirements for naturalization
- Eligibility for head of state

**Article 19. Naturalization**

Foreigners [feminine and masculine] can be naturalized in accordance with the law; they can neither opt for the presidency or vice-presidency of the powers of the State, nor are they obligated to take up arms against their State of origin. The law shall regulate other limitations for naturalized persons.

**Article 20. Double nationality**

The faculty to acquire a foreign nationality is recognized for Dominicans [feminine] and Dominicans [masculine]. The acquisition of other nationality does not imply the loss of the Dominican nationality.

- International organizations
- Eligibility for head of state

**Paragraph**

The Dominicans [feminine] and Dominicans [masculine] that adopt another nationality, by voluntary act or by place of birth, may aspire to the presidency and vice-presidency of the Republic, if they renounce the nationality acquired ten years before the election and they reside in the country during the previous ten years to office. However, they may occupy other elective offices, ministerial office or office of diplomatic representation of the country abroad and in international organs, without renouncing the nationality acquired.

**SECTION II. OF CITIZENSHIP**

**Article 21. Acquisition of citizenship**

All Dominicans [masculine] and Dominicans [feminine] who have turned 18 years of age and those who are or have been married, but have not reached that age, enjoy citizenship.

**Article 22. Rights of citizenship**

Are rights of the citizens [feminine] and of the citizens [masculine]:

1. To elect and be eligible for the offices established by this Constitution;
2. To decide concerning the matters that are proposed by means of referendum;
3. To exercise the right of popular, legislative and municipal initiative, under the conditions established by this Constitution and the laws;
4. To formulate petitions to the public powers to request measures of public interest and obtain a response from the authorities in the time established by the laws dictated in this regard;
5. To denounce the faults committed by public functionaries in the performance of their office.

- Restrictions on voting
- Requirements for birthright citizenship
- Legislative initiatives by citizens
- Right of petition
- Conditions for revoking citizenship



## Article 23. Loss of citizenship rights

The rights of citizenship are lost due to irrevocable condemnation in the cases of treason, espionage, and conspiracy; as well as by taking up arms and for assisting or participating in attacks or deliberate damage against the interests of the Republic.

- Conditions for revoking citizenship

## Article 24. Suspension of citizenship rights

The rights of citizenship are suspended in the cases of:

1. Irrevocable condemnation to a criminal sentence, until the end of it;
2. Legally pronounced judicial interdiction, while it lasts;
3. Acceptance in Dominican territory of public offices or functions of a foreign government or State without the prior authorization of the Executive Power;
4. Violation of the conditions in which naturalization was granted.

## SECTION III. OF THE REGIME OF FOREIGNERS

- Restrictions on rights of groups

### Article 25. Regime of Foreigners

Foreigners [masculine] and foreigners [feminine] have in the Dominican Republic the same rights and duties as nationals, with the exceptions and limitations established by this Constitution and the laws; in consequence:

1. They cannot participate in political activities in the national territory, unless to exercise the right of suffrage of their country of origin;
2. They have the obligation to register in the Book of Foreigners, in accordance with the law;
3. They may resort to diplomatic protection after exhausting the recourses and procedures before the national jurisdiction, except as provided in the international conventions.

- International law

## CHAPTER VI. OF INTERNATIONAL RELATIONS AND OF INTERNATIONAL LAW

### SECTION I. OF THE INTERNATIONAL COMMUNITY

#### Article 26. International relations and international law

The Dominican Republic is a member State of the international community, open to cooperation and attached to the norms of international law, in consequence:

1. It recognizes and applies the norms of international, general and American law, in the manner in which its public powers have adopted it;
2. The norms in force of ratified international agreements will govern within the domestic sphere, once they have been published in official manner;
3. The international relations of the Dominican Republic are founded and governed by the affirmation and promotion of its national values and interests, the respect for human rights and for international law;
4. In equal conditions with other States, the Dominican Republic accepts an international juridical order that guarantees the respect for fundamental rights, peace, justice, and the political, social, economic and cultural development of the nations. It undertakes to act in the international, regional and national levels in a manner compatible with the national interests, a peaceful coexistence among peoples and the duties of solidarity with all nations;

- Legal status of treaties

- Reference to fraternity/solidarity

- Regional group(s)

5. The Dominican Republic will promote and favor integration with the nations of America, in order to strengthen a community of nations that defends the interests of the region. The State may subscribe to international treaties to promote the common development of the nations, to assure the well being of the people and the collective security of its inhabitants, and to attribute to supranational organizations the competences required to participate in processes of integration;

- Regional group(s)
- Reference to fraternity/solidarity

6. It is in favor of the economic solidarity between the countries of America and supports all initiatives that are in defense of their basic products, raw materials and biodiversity.

## SECTION II. REPRESENTATIVES OF POPULAR ELECTION BEFORE INTERNATIONAL PARLIAMENTS

- International organizations

### Article 27. Representatives

The Dominican Republic will have representatives before international parliaments in respect of which it has subscribed agreements that recognize its participation and representation.

- International organizations

### Article 28. Requirements

To be a representative before international parliaments it is required to be a Dominican [masculine] or Dominican [feminine] in full exercise of their rights and civil and political duties and to have reached 25 years of age.

## CHAPTER VII. OF THE OFFICIAL LANGUAGE AND THE NATIONAL SYMBOLS

- Official or national languages

### Article 29. Official language

The official language of the Dominican Republic is Spanish.

- National anthem
- National flag

### Article 30. National symbols

The national symbols are the National Flag, the National Coat-of-Arms and the National Anthem.

- National flag

### Article 31. National Flag

The National Flag consists of the colors ultramarine blue and vermilion red, in alternating quarters, placed in such a manner so that the blue is towards the top of the flag pole, separated by a white cross of the width of half the height of the quarter and in the center bearing the National Coat-of-Arms. The merchant flag is the same as the national flag but without the coat-of-arms.

- God or other deities
- National motto

### Article 32. National Coat-of-Arms

The National Coat-of-Arms has the same colors as the National Flag arranged in equal form. It carries in the center a Bible open to the Gospel of Saint John, chapter 8, verse 32, and a cross on top, which arise from a trophy composed of two lances and four national flags without a shield, arranged on both sides; it carries a laurel branch on the left side and a palm branch on the right. It is topped by an ultramarine blue ribbon on which the motto reads "God, Country and Liberty". At the base there is another red vermilion ribbon of which the ends are directed upwards with the words the "Dominican Republic". The form of the National Coat-of-Arms is a rectangle, with the upper comers projecting and the bottom ones rounded, the center of its base ends in a point, and is set in such a manner to result in a perfect square by tracing a horizontal line joining the two verticals of the rectangle from which the bottom comers begin.

- National anthem

## Article 33. National Anthem

The National Anthem is the musical composition of Jos6 Reyes with the lyrics of Emilio Prud'Homme, and it is unique and invariable.

- National motto
- God or other deities

## Article 34. National Motto

The National Motto is "God, Country and Liberty".

## Article 35. National holidays

The days of February 27th and August 16th, anniversaries of the Independence and the Restoration of the Republic, respectively, are declared national holidays.

- National flag
- National anthem

## Article 36. Regulation of the national symbols

The law will regulate the use of the national symbols and the dimensions of the National Flag and of the National Coat of Arms.

# TITLE II. OF THE FUNDAMENTAL RIGHTS, GUARANTEES AND DUTIES

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## CHAPTER I. OF THE FUNDAMENTAL RIGHTS

### SECTION I. OF THE CIVIL AND POLITICAL RIGHTS

- Prohibition of capital punishment
- Inalienable rights
- Right to life

#### Article 37. Right to life

The right to life is inviolable from conception to death. The death penalty cannot be established, pronounced or applied, in any case.

- Human dignity
- Inalienable rights

#### Article 38. Human dignity

The State is founded on the respect for the dignity of the person and it is organized for the real and effective protection of the fundamental rights inherent to it. The dignity of the human being is sacred, innate and inviolable; its respect and protection constitute an essential responsibility of the public powers.

- Equality regardless of creed or belief
- Equality regardless of age
- Equality regardless of nationality
- Equality regardless of social status
- General guarantee of equality
- Equality regardless of parentage
- Equality regardless of gender
- Equality for persons with disabilities
- Equality regardless of language
- Equality regardless of political party
- Equality regardless of religion
- Equality regardless of skin color
- Mentions of social class

#### Article 39. Right to equality

Persons are born free and equal before the law, they receive the same protection and treatment from the institutions, authorities and other persons and enjoy the same rights, freedoms and opportunities, without any discrimination for reasons of gender, color, age, disability, nationality, family ties, language, religion, political or philosophical opinion, and social or personal condition. In consequence:

- Mentions of social class

1. The Republic condemns all privilege and situation that tends to undermine the equality of the Dominicans [feminine] and the Dominicans [masculine], among whom there should be no differences other than those resulting from their talents or their virtues;
2. No entity of the Republic may concede titles of nobility or hereditary distinctions;
3. The State must promote the juridical and administrative conditions to make equality real and effective and adopt the measures to prevent and combat discrimination, marginalization, vulnerability and exclusion;
4. Women and men are equal before the law. Any act is prohibited whose purpose or effect diminishes or annuls the recognition, enjoyment or exercise in conditions

4. of equality of the fundamental rights of women and men. The necessary measures to guarantee the eradication of inequality and gender discrimination, will be promoted;
5. The State must promote and guarantee a balanced participation of women and men in the candidatures for offices of popular election for the instances of supervision and decision in the public domain, in the administration of justice and in the organs of control of the State.

#### **Article 40. Right to liberty and personal security**

All persons have the right to liberty and personal security. Therefore:

- Protection from unjustified restraint
  1. No one shall be remitted to prison or restrained from their liberty without substantiated and written order by a competent judge, except in the case of flagrante delicto;
  2. Any authority that executes measures deprivative of liberty is obliged to identify himself;
  3. All persons, at the moment of their detention, will be informed of their rights;
  4. All detained persons have the right to communicate immediately with their family, lawyer or someone of trust, who in turn have the right to be informed of the place where the detained person is held and the motives for the detention;
  5. All persons deprived of their liberty shall be submitted to the competent judicial authority within forty-eight hours of their detention or released. The competent judicial authority shall notify the interested party, within the same time, with the decision dictated to that effect;
- Protection from unjustified restraint
  6. All persons deprived of their liberty, without cause or without the legal formalities or outside the cases set forth by the laws, shall be immediately released at their own request or of any person;
  7. Every person must be released once complying with the imposed sentence or after a release order dictated by the competent authority;
  8. No one can be subjected to measures of coercion unless by their own act;
  9. The measures of coercion, which restrict personal freedom, have an exceptional character and their application must be proportional to the danger being safeguarded;
- Rights of debtors
  10. Physical constraint may not be established for debt that does not come from an infraction of the penal laws;
  11. Any person having a detainee in their custody is obligated to present them as soon as the competent authority requires it;
  12. The transfer of any detainee from a prison facility to another location without a written and substantiated order from a competent authority is strictly prohibited;
- Principle of no punishment without law
  13. No one can be convicted or sanctioned for actions or omissions which when committed did not constitute a criminal or administrative infraction;
- Protection from ex post facto laws
  14. No one is criminally responsible for the action of another;
- Principle of no punishment without law
  15. No one will be obligated to do what the law does not require or prevented from doing what the law does not prohibit. The law is equal for all: it can only order what is just and useful for the community and it cannot prohibit more than what is prejudicial to it;
  16. The penalties of deprivation of liberty and the measures of security will be oriented towards the social rehabilitation and reintegration of the convicted person and may not involve forced labor;
  17. In the exercise of the sanctioning power established by the laws, the Public Administration may not impose sanctions which imply in a direct or subsidiary

17. form the deprivation of liberty.

- Prohibition of slavery

## Article 41. Prohibition of slavery

Slavery, servitude, and the trade and trafficking in persons, are prohibited in all of their forms.

## Article 42. Right to personal integrity

Every person has the right of respect for their physical, psychic, and moral integrity and to live without violence. They have the protection of the State in the cases of threat, risk or violation thereof. In consequence:

- Prohibition of torture

1. No person can be subjected to penalties, torture or degrading procedures involving the loss or reduction of their health, or their physical or psychic integrity;

2. Inter-family and gender violence in all its forms is condemned. The State shall guarantee through the law the adoption of the necessary measures to prevent, sanction and eradicate violence against women;

- Reference to science

3. No one shall be subjected, without prior consent, to experiments and procedures that do not meet internationally recognized scientific and bioethical norms. Neither to medical tests or procedures, except when danger to life is encountered.

- Right to development of personality

## Article 43. Right to the free development of personality

Every person has the right to the free development of their personality, without other limitations than those imposed by the juridical order and the rights of others.

- Right to privacy
- Right to protect one's reputation

## Article 44. Right to intimacy and to personal honor

Every person has the right to intimacy. The respect and non-interference in the private, family, and home life and to the correspondence of the individual is guaranteed. The right to the honor, to the good name and to the reputation of the person is recognized. Any authority or individual who violates them is obligated to compensate or repair them in accordance with the law. Therefore:

- Right to information

1. The home, the domicile and any private premises of the person are inviolable, except in the cases that are ordered in accordance with the law, by competent judicial authority or in the case of flagrante delicto;

2. Every person has the right to access the information and the data concerning them or their assets that as found in official or private records, as well as to know the destination and the use made of them, with the limitations established by the law. The treatment of personal data and information or its assets must be conducted respecting the principles of quality, legality, loyalty, security and purpose. The person may solicit before the competent judicial authority the updating, opposition to treatment, rectification or destruction of such information that illegitimately affects their rights;

- Telecommunications

3. The inviolability of correspondence, documents or private messages in physical, digital, electronic or any other type of format, is recognized. They can only be possessed, intercepted or recorded, by order of a competent judicial authority, through legal procedures in the substantiation of issues handled by justice and preserving the secrecy of what is private, and that unrelated to the corresponding process. The secrecy of telegraphic, telephonic, cable, electronic, telematic or that established by other media, is inviolable, unless with an authorization granted by a judge or competent authority in accordance with the law;

4. The handling, use or treatment of data and information of official character collected by the authorities in charge of the prevention, prosecution and punishment of criminal acts, can only be treated or communicated to the public records, after the opening of a trial has intervened, in accordance with the law.

- Freedom of opinion/thought/conscience

## Article 45. Freedom of conscience and of beliefs

The State guarantees the freedom of conscience and of beliefs, subject to the public order and respect for good customs.

- International law
- Freedom of movement

## Article 46. Freedom of transit

Any person who is in the national territory has the right to transit, reside and exit from it freely, in accordance with the legal provisions.

- Extradition procedure

1. No Dominican [masculine] or Dominican [feminine] shall be deprived of the right to enter the national territory. They also cannot be expelled or exiled from it, except in the cases of extradition pronounced by a competent judicial authority, conforming to the laws and the international treaties in force, concerning the matter;

- Protection of stateless persons
- Terrorism

2. Every person has the right to solicit asylum in the national territory, in case of persecution for political reasons. Those who are in conditions of asylum shall enjoy the protection that guarantees the full exercise of their rights, in accordance with the agreements, norms and international instruments subscribed to and ratified by the Dominican Republic. Terrorism, the crimes against humanity, administrative corruption and transnational offences are not considered political crimes.

- Freedom of association

## Article 47. Freedom of association

Every person has the right to associate for lawful purposes, in accordance with the law.

- Freedom of assembly

## Article 48. Freedom to assemble

Every person has the right to assemble, without prior permission, for lawful and peaceful purposes, in accordance with the law.

- Freedom of expression
- Freedom of press

## Article 49. Freedom of expression and information

Every person has the right to freely express their thoughts, ideas and opinions, through any media, without the establishment of prior censorship.

- Right to information

1. Every person has the right to information. This right shall include the freedom to search, to investigate, to receive and to impart information of all kinds, of public character, through any media, channel or path, in accordance with what the Constitution and the law determine;

2. All of the media of information have free access to official and private news sources that are of public interest, in accordance with the law;

3. The professional secret and the clause of conscience of the journalist are protected by the Constitution and the law;

- Right to protect one's reputation

4. Every person has the right to reply and to correction when feeling damaged by disseminated information. This right shall be exercised in accordance with the law;

- State operation of the media

5. The law guarantees the equal and plural access of all the social and political sectors to the media of communication that are property of the State.

- Rights of children
- Human dignity

## Paragraph

The enjoyment of these freedoms will be exercised respecting the right to honor, to intimacy, as well as the dignity and morale of persons, especially the protection of adolescents and of children, in accordance with the law and the public order.

## SECTION II. OF THE ECONOMIC AND SOCIAL RIGHTS

### Article 50. Freedom of business

The State recognizes and guarantees freedom of business, commerce and industry. All persons have the right to freely engage in the economic activity of their preference, without any limitations other than those specified in this Constitution and those that the laws establish.

1. Monopolies are not permitted, except in favor of the State. The creation and organization of these monopolies will be made by law. The State encourages and sees to the practice of free and fair competition and will adopt the measures that shall be necessary to prevent the harmful and restrictive effects of monopoly and of the abuse of a dominant position, establishing by law the exceptions for the cases of national security;
2. The State may dictate measures to regulate the economy and promote national plans of competitiveness and encourage the integral development of the country;
3. The State may grant concessions for the time and in the form specified by the law, when it concerns the exploitation of natural resources or the provision of public services, always assuring the existence of considerations or compensations that are suitable for the public interest and the environmental balance.

### Article 51. Right to property

The State recognizes and guarantees the right to property. Property has a social function that implies obligations. Every person has the right to the pleasure, enjoyment and disposition of their assets.

1. No person can be deprived of their property, but for justified cause of public utility or of social interest, with prior the payment of its just value, determined by agreement between the parties or issued by a competent tribunal, in accordance with what is established in the law. In case of the declaration of a State of Emergency or of Defense, the indemnification might not be prior;
2. The State shall promote, in accordance with the law, the access to property, especially to titled real property;
3. The allocation of land to useful purposes and the gradual elimination of the large scale ownership of land is declared of social interest. It is a principal objective of the social policy of the State, to promote agrarian reform and the effective integration of the peasant farmer population within the national development process, through the stimulation and cooperation for the renewal of their methods of agricultural production and their technological training;
4. There will be no politically motivated confiscation of the assets of physical or juridical persons;
5. The assets of physical or juridical persons, national or foreign, can only be subject to confiscation or forfeiture, by means of a definitive sentence, if their origin is from illegal acts committed against the public patrimony, as well as those used or derived from activities of illicit trafficking of narcotics and psychotropic substances or those related to transnational organized crime and of any offense provided for in the penal laws;
6. The law will establish the regime of administration and disposal of seized and abandoned assets in criminal proceedings and in the trials of forfeiture of domain, specified in the juridical order.

### Article 52. Right to intellectual property

The right of exclusive ownership of scientific, literary, and artistic works, as well as inventions and innovations, trade names, trade marks, distinctive logos and other

- Right to competitive marketplace
- Right to establish a business
- Right to choose occupation

- Right to transfer property
- Right to own property

- Emergency provisions
- Protection from expropriation

- Provisions for wealth redistribution

- Drugs, alcohol, and illegal substances

- Provisions for intellectual property
- Reference to science
- Reference to art

productions of the human intellect by time, is recognized and protected, in the form and within the limitations the law establishes.

- Protection of consumers

### **Article 53. Rights of the consumer**

Every person has the right to enjoy quality goods and services, receiving objective, accurate and timely information concerning the contents and the characteristics of the products and services used or consumed, under the provisions and norms established by the law. The persons who are injured or harmed as a result, by goods and services of poor quality, have the right to be compensated or indemnified according to the law.

### **Article 54. Food safety**

The State shall promote the research and transfer of technology for the production of food and raw materials of agricultural origin, in order to increase the productivity and guarantee food security.

- Right to found a family

### **Article 55. Rights of the family**

The family is the foundation of the society and it is the basic space for the integral development of persons. It is constituted by natural or legal ties, by the free decision of a man and a woman to contract matrimony or by the responsible will to conform to it.

- Provision for matrimonial equality

1. Every person has the right to constitute a family, in which formation and development the woman and the man enjoy equal rights and duties and owe to each other mutual understanding and reciprocal respect;

2. The State guarantees the protection of the family. The asset of the family is inalienable and unattachable, in accordance with the law;

- Provision for civil marriage

3. The State shall promote and protect the family organization based on the institution of marriage between a man and a woman. The law will establish the requirements to contract it, the formalities for its celebration, its personal and patrimonial effects, the grounds for separation or of dissolution, the regime of assets and the rights and duties between the spouses;

- Regulation of marriage

4. Religious marriages will have civil effects within the limits that the law establishes, without prejudice to what is provided in the international treaties;

- International law

5. The singular and stable union between a man and a woman, free of matrimonial impediment, that form a home of fact, give rise to rights and duties in their personal and patrimonial relations, in accordance with the law;

- Provision for civil marriage

6. Maternity, whatever the social condition or civil status of the woman, enjoys the protection of the public powers and creates a right to official assistance in case of need;

7. Every person has the right to the recognition of their personality, to their own name, to the surname of the father and of the mother and to know their identity;

8. All persons have the right from birth to be inscribed gratuitously in civil register or in the book of foreigners and to obtain the public documents that prove their identity, in accordance with the law;

- Rights of children

9. All children are equal before the law, they have equal rights and duties and enjoy the same opportunities for social, spiritual and physical development. Any mention concerning the nature of the affiliation in the civil registers and in any document of identity, is prohibited;

10. The State promotes responsible paternity and maternity. The father and the mother, even after separation and divorce, have the shared and unrenounceable obligation to feed, to raise, to form, to educate, to maintain, to provide security to and to assist their sons and daughters. The law will establish the necessary and adequate measures to guarantee the effectiveness of these obligations;

11. The State recognizes housework as an economic activity that creates added value and produces wealth and social well being, so for this reason it will be



- 11. incorporated in the formulation and execution of public and social policies;
- 12. The State shall guarantee, by law, secure and effective policies for adoption;
- 13. The value of youths as strategic actors within the development of the Nation, is recognized. The State guarantees and promotes the effective exercise of their rights, through policies and programs that assure in permanent mode their participation in all spheres of national life and, in particular, their training and their access to their first job.

- Rights of children

- State support for children
- Rights of children

## Article 56. Protection of underage persons

The family, the society and the State, shall prioritize the superior interests of the child [masculine], the child [feminine] and the adolescent; they will have the obligation to assist them and protect them to guarantee their harmonious and integral development and the full exercise of their fundamental rights, in accordance with this Constitution and the laws. In consequence:

- 1. The eradication of child labor and all forms of abuse or violence against underage persons, is declared of the highest national interest. The children [masculine], the children [feminine] and the adolescents will be protected by the State against all forms of neglect, kidnapping, state of vulnerability, abuse or physical, psychological, moral or sexual violence, commercial, labor, or economic exploitation and dangerous work;
- 2. The active participation and progress of children [masculine], children [feminine] and adolescents in family, community and social life, will be promoted.
- 3. The adolescents are active participants within the development process. The State, with the joint participation of the families and the society, will create opportunities to stimulate their productive transition into adulthood.

- Limits on employment of children

- State support for the elderly

## Article 57. Protection of persons of the third age

The family, the society and the State shall concur for the protection and the assistance of persons of the third age and will promote their integration into the working and community life. The State guarantees the services of integral social security and food subsidies in case of indigence.

- State support for the disabled

## Article 58. Protection of persons with disabilities

The State shall promote, protect and assure the enjoyment of all the human rights and fundamental freedoms of the persons with disabilities, in conditions of equality, as well as the full and autonomous exercise of their capacities. The State shall adopt the positive measures necessary to facilitate their family, community, social, labor, economic, cultural and political integration.

- Right to shelter

## Article 59. Right to housing

Every person has the right to decent housing with the essential basic services. The State must establish the conditions necessary to make this right effective and to promote plans for housing and human settlements of social interest. The legal access to titled real property is a fundamental priority of the public policies that promote housing.

- State support for the disabled
- State support for the elderly
- State support for the unemployed

## Article 60. Right to social security

Every person has the right to social security. The State shall stimulate the progressive development of social security to assure the universal access to adequate protection during illness, disability, unemployment and old age.

- Right to health care

## Article 61. Right to health

Every person has the right to an integral health. In consequence:

- 1. The State must see to the protection of the health of all persons, the access to potable water, the improvement of nutrition, of the health services, the hygienic

- Protection of environment
- Right to water

1. conditions, the healthy environmental, as well as to procure the means for the prevention and treatment of all diseases, assuring the access to medicines of quality and providing medical and hospital assistance gratuitously to those who require it;

2. The State will guarantee, through legislation and public policies, the exercise of the economic and social rights of the people with lower incomes and, in consequence, will provide its protection and assistance to vulnerable groups and sectors; and, it will combat the social vices with the appropriate measures and with the help of the international conventions and organizations.

- International law
- International organizations

- Right to work

## Article 62. Right to work

Work is a right, a duty and a social function that is exercised with the protection and assistance of the State. It is an essential purpose of the State to promote decent and gainful employment. The public powers will promote the dialogue and joint participation between workers, employers and the State. In consequence:

1. The State guarantees the equality and equity of women and men in the exercise of the right to work;

2. Nobody can prevent the work of others or obligate them to work against their will;

3. Among others, basic rights of the workers [masculine] and the workers [feminine], are: the syndical freedom, social security, collective negotiation, professional training, the respect for their physical and intellectual capacity, to their privacy and to their personal dignity;

4. The organization in unions is free and democratic, it must comply with their statutes and be compatible with the principles consecrated in this Constitution and the laws;

5. Any class of discrimination in the access to employment or during the rendering of a service is prohibited, except as provided by the law for the purposes of protecting the worker [masculine] or the worker [feminine];

6. To resolve labor and peaceful conflicts the right of workers to strike and of employers to the lock-out of private companies are recognized, provided that they are exercised in accordance with the law, which shall provide for the measures to guarantee the maintenance of the public services or of those of public utility;

7. The law shall provide for, as required by the general interest, the working hours, the days of rest and vacations, the minimum salaries and their forms of payment, the participation of nationals in all work, the participation of the workers [feminine and masculine] in the profits of the corporation and, in general, all the minimum measures that are considered necessary in favor of the workers, including special regulations for informal work, at home and any other modality of human labor. The State shall facilitate the means available to the workers [feminine and masculine] to acquire the tools and instruments indispensable for their work;

8. It is the obligation of every employer to guarantee to their workers conditions of safety, sanitation, and hygiene and an adequate work environment. The State shall adopt the measures to promote the creation of instances integrated by employers and workers for the achievement of these goals;

9. Every worker has the right to a just and sufficient salary that permits them to live with dignity and to cover the basic material, social and intellectual needs of themselves and their family. The payment of equal salary for work of equal value is guaranteed, without discrimination of gender or other kind and under identical conditions of capacity, efficiency and seniority;

10. The application of the labor norms concerning the nationalization of labor, is of high interest. The law shall determine the percentage of foreigners who can provide their services to a company as salaried workers.

- Right to join trade unions

- Right to join trade unions

- Right to strike

- Right to rest and leisure

- Right to safe work environment

- Right to just remuneration

- Right to reasonable standard of living

- Access to higher education

## Article 63. Right to education

Every person has the right to an integral education, of quality, permanent, in equality of conditions and opportunities, without other limitations than those derived from their aptitudes, vocation and aspirations. In consequence:

- Reference to science

1. Education has as its objective the integral formation of the human being throughout his life and must be oriented towards the development of his creative potential and of his ethical values. It seeks the access to knowledge, to science, to technique and to the other assets and values of culture;

2. The family is responsible for the education of its members and has the right to choose the type of education of their minor children;

- Compulsory education

3. The State guarantees gratuitous public education and declares it obligatory in the initial, basic and intermediate levels. The offer for the initial level will be defined by the law. The higher education in the public system is financed by the State, guaranteeing a distribution of resources that is proportional to the educational offer of the regions, in accordance with what is established by the law;

- Free education

4. The State shall see to the gratuity and the quality of the general education, the fulfillment of its purposes and the moral, intellectual and physical formation of the learner. It has the obligation to offer the number of lecture hours to assure the achievement of the educational objectives;

- Free education

5. The State recognizes the exercise of the teaching profession as fundamental for the full development of education and of the Dominican Nation and, consequently, it is its obligation to strive for the professionalism, the stability and the dignifying of the teachers [masculine and feminine];

6. The eradication of illiteracy and the education of persons with special needs and with exceptional capacities, are obligations of the State;

- Free education

7. The State must see to the quality of higher education and will finance public schools and universities, in accordance with what the law establishes.

- Right to academic freedom

It will guarantee university autonomy and academic freedom;

8. The universities will choose their own policies and will be governed by their own statutes, in accordance with the law;

- Reference to science

9. The State will define policies to promote and encourage research, science, technology and innovation that support sustainable development, human well being, competitiveness, institutional strengthening and the preservation of the environment. It will support private companies and institutions that invest for such purposes;

- Protection of environment

- Reference to science

10. The investment of the State in education, science and technology shall be increased and sustained, in correspondence with the levels of macroeconomic performance of the country. The law will consign the minimum amounts and the corresponding percentages for such investment. In no case can a transfer be made of the funds consigned to finance the development of these areas;

- State operation of the media

- Radio

- Telecommunications

- Television

11. The means of social, public and private communication, must contribute to formation of the citizenry. The State guarantees public services of radio, television and of networks of libraries and informatics, in order to permit the universal access to information. The educational centers shall incorporate the knowledge and application of new technologies and of their innovations, in accordance with the requirements that the law establishes;

- Reference to science

12. The State guarantees the freedom of teaching, it recognizes the private initiative in the creation of institutions and services of education and stimulates the development of science and technology, in accordance with the law;

- Right to academic freedom

13. In order to make citizens [feminine] and citizens [masculine] conscious of their rights and duties, in all institutions of public and private education, the instruction

13. in social and civic formation, the teaching of the Constitution, of the fundamental rights and guarantees, of the patriotic values and of the principles of peaceful coexistence, will be obligatory.

## SECTION III. OF CULTURAL AND SPORTS RIGHTS

### Article 64. Right to culture

Every person has the right to participate and act freely and without censorship in the cultural life of the Nation, with full access and enjoyment of the cultural assets and services, to the scientific advancements and to the artistic and literary production. The State shall protect the moral and material interests concerning the works of authors and inventors. In consequence:

1. It shall establish policies to promote and stimulate, within the national and international levels, the diverse scientific, artistic and popular manifestations and expressions of Dominican culture and it will encourage and support the efforts of persons, institutions and communities that develop or finance cultural plans and activities;
2. It shall guarantee the freedom of expression and artistic creation, as well as the access to culture in equal opportunities and will promote the cultural diversity, the cooperation and the exchange between nations;
3. It shall recognize the value of cultural identity, individual and collective, its importance to the integral and sustainable development, to economic growth, innovation and human well being, through the support and dissemination of scientific research and cultural production. It will protect the dignity and integrity of the cultural workers;
4. The cultural patrimony of the Nation, tangible and intangible, is under the protection of the State which will guarantee its protection, enrichment, conservation, restoration and valuation. The assets of the cultural patrimony of the Nation, whether state-owned or having been acquired by the State, are inalienable and unattachable and by such ownership, imprescriptible. The patrimonial assets in private hands and the underwater patrimonial assets will be equally protected against illegal export and plundering. The law shall regulate the acquisition thereof.

### Article 65. Right to sports

Every person has the right to physical education, to sports and to recreation. It corresponds to the State, in collaboration with teaching centers and the sports organizations, to promote, encourage and support the practice and dissemination of these activities. Therefore:

1. The State assumes the activities of sports and recreation as public policy concerning education and health and guarantees physical education and school sports in all the levels of the educational system, in accordance with the law;
2. The law shall provide the resources, stimulation and incentives for the promotion of sports for all [masculine and feminine], as well as the integral care of athletes, the support for high competitiveness sports, and of programs and sports activities in the country and abroad.

## SECTION IV. OF THE COLLECTIVE RIGHTS AND OF THE ENVIRONMENT

### Article 66. Collective and diffuse rights

The State recognizes collective and diffuse rights and interests, which are exercised within the conditions and limitations established by the law. In consequence it protects:

1. The conservation of the ecological equilibrium, of the fauna and the flora;
2. The protection of the environment;

- Right to culture
- Reference to science
- Reference to art
- Right to enjoy the benefits of science
- Provisions for intellectual property

- Protection of environment
- Protection of environment

- Reference to art
- Right to culture
- Protection of environment

3. The preservation of the cultural, historical, urban, artistic, architectural and archaeological patrimony.

## Article 67. Protection of the environment

The prevention of pollution, and the protection and maintaining of the environment for the benefit of the present and future generations, constitute duties of the State. In consequence:

1. Every person has the right, both individually and collectively, to the sustainable use and enjoyment of the natural resources; to live in a healthy, ecologically balanced and suitable environment for the development and preservation of the various forms of life, of the landscape and of nature;
2. The introduction, development, production, possession, commercialization, transport, storage and use of chemical, biological and nuclear and agrochemical weapons that are internationally forbidden, is prohibited, as well as of nuclear residues and toxic and hazardous wastes;
3. The State shall promote, in the public and private sectors, the use of alternative and clean technologies and energy;
4. In the contracts celebrated by the State or in the permits that it grants that involve the use and exploitation of the natural resources, the obligation to preserve the ecological equilibrium, the access to technology and its transfer, as well as the reestablishment of the environment to its natural state, if it is altered as a result, will be considered as included;
5. The public powers shall prevent and control the factors of environmental degradation, will impose the legal sanctions, and the objective responsibility for damages caused to the environment and to the natural resources and will require reparation of them. Likewise, they will cooperate with other nations in the protection of the ecosystems along the maritime and terrestrial frontier.

## CHAPTER II. OF THE GUARANTEES AND OF THE FUNDAMENTAL RIGHTS

### Article 68. Guarantees of the fundamental rights

The Constitution guarantees the effectiveness of the fundamental rights, through the mechanisms of guardianship and protection, which offer to the person the possibility to obtain the satisfaction of their rights, when opposed to those subjected, obligated or encumbered by them. The fundamental rights are binding on all the public powers, who must guarantee their effectiveness in the terms established by this Constitution and by the law.

### Article 69. Effective judicial guardianship and due process

Every person, in the exercise of their legitimate rights and interests, has the right to obtain effective judicial guardianship, in respect of the due process that will be conformed with through the minimum guarantees that are established as follows:

1. The right to accessible, timely and gratuitous justice;
2. The right to be heard, within a reasonable time and by a competent, independent and impartial jurisdiction, previously established by the law;
3. The right to be presumed innocent and to be treated as such, while their culpability has not been declared by means of irrevocable sentence;
4. The right to a public, oral and adversarial trial, with full equality and respect for the right of defense;
5. No person can be tried two times for the same cause;

- Right to fair trial
- Guarantee of due process

- Right to speedy trial
- Right to speedy trial
- Judicial independence
- Presumption of innocence in trials

- Right to counsel
- Right to public trial
- Prohibition of double jeopardy

- Protection from self-incrimination
- Protection from ex post facto laws
- Regulation of evidence collection
- Right to appeal judicial decisions

6. No one can be obligated to declare against oneself.
7. No person shall be tried except in accordance with the laws preexistent to the act which is imputed to them, before a competent judge or a tribunal and with observance of all of the formalities appropriate to each trial;
8. Any proof obtained in violation of the law is null.
9. Any sentence can be appealed in accordance with the law. The superior tribunal cannot aggravate the sanction imposed when only the convicted person appeals the sentence;
10. The norms of due process will be applied to all types of judicial and administrative acts.

- Right to information

### **Article 70. Habeas data**

Every person has the right to a judicial action to know of the existence and to access the data corresponding to them that is found in registries or public or private data banks and, in case of falsehood or discrimination, to require its suspension, rectification, updating and confidentiality, in accordance with the law. The secrecy of the sources of journalistic information cannot be affected.

- Protection from unjustified restraint

### **Article 71. Action of habeas corpus**

Every person deprived of their freedom or threatened to be, in an illegal, arbitrary or unreasonable manner, has the right to an action of habeas corpus before a competent judge or tribunal, by themselves or by anyone acting in their name, in accordance with the law, to hear and decide, in a simple, effective, rapid and summary form, the legality of the deprivation of or threat to their freedom.

- Right to amparo

### **Article 72. Action of amparo**

Every person has the right to an action of amparo to claim before the tribunals, by themselves or by anyone acting in their name, the immediate protection of their fundamental rights, that are not protected by habeas corpus, when they as a result are violated or threatened by the action or the omission of any public authority or by individuals, in order to make effective compliance with a law or administrative act, and to guarantee collective and diffuse rights and interests. In accordance with the law, the procedure is preferential, summary, oral, public, gratuitous, and not subject to formalities.

- Emergency provisions

### **Paragraph**

The acts adopted during the States of Exception that violate protected rights or that unreasonably affect suspended rights are subject to the action of amparo.

### **Article 73. Nullity of the acts that subvert the constitutional order**

The acts issued by usurped authority, and the actions or decisions of the public powers, institutions or persons that alter or subvert the constitutional order and any decision reached by requisition of armed force, are null of plain right.

## **CHAPTER III. OF THE PRINCIPLES OF APPLICATION AND INTERPRETATION OF THE FUNDAMENTAL RIGHTS AND GUARANTEES**

### **Article 74. Principles of regulation and interpretation**

The interpretation and regulation of the fundamental rights and guarantees, recognized in this Constitution, shall be governed by the following principles:

1. They have no limitative character and, as such, do not exclude other rights and guarantees of equal nature;
2. Only by law, in the cases permitted by this Constitution, can the exercise of the fundamental rights and guarantees be regulated, respecting their essential content and the principle of reasonableness;
3. The treaties, pacts and conventions concerning human rights, subscribed and ratified by the Dominican State, have constitutional hierarchy and are of direct and immediate application by the tribunals and other organs of the State;
4. The public powers interpret and apply the norms concerning the fundamental rights and their guarantees, in the most favorable sense for the person that is entitled thereto and, in case of conflict between the fundamental rights, they shall seek to harmonize the assets and interests protected by this Constitution.

- Legal status of treaties
- International law

## CHAPTER IV. OF THE FUNDAMENTAL DUTIES

### Article 75. Fundamental duties

The fundamental rights recognized in this Constitution determine the existence of an order of juridical and moral responsibility, which obligates the conduct of the man and the woman in society. In consequence, the following are declared as fundamental duties of persons:

1. To abide by and comply with the Constitution and the laws, and to respect and to obey the authorities established thereby;
2. To vote, as long as being in legal capacity to do so;
3. To render the civil and military services required by the Country for its defense and conservation, in accordance with what is established by the law;
4. To provide services for development, necessary for Dominicans [masculine] and Dominicans [feminine] aged between sixteen and twenty-one years of age. These services may be provided voluntarily by those over twenty-one years of age. The law will regulate these services;
5. To abstain from conducting any act prejudicial to the stability, independence or sovereignty of the Dominican Republic;
6. To pay taxes, in accordance with the law and in proportion to their contributory capacity, in order to finance public spending and investment. It is the fundamental duty of the State to guarantee the rationality of the public expenditure and the promotion of an efficient public administration;
7. To dedicate themselves to a decent job, of their choice, in order to provide a living for themselves and their family to achieve the improvement of their personality and contribute to the well being and progress of the society;
8. To attend the educational establishments of the Nation to receive, in accordance with what is established in this Constitution, the obligatory education;
9. To cooperate with the State immediately concerning assistance and social security, according to their possibilities;
10. To act according to the principle of social solidarity, responding with humanitarian actions in situations of public calamity or that endanger the life or health of persons;
11. To develop and disseminate the Dominican culture and to protect the natural resources of the country, guaranteeing the conservation of a clean and healthy environment;
12. To see to the strengthening and quality of the democracy, the respect of the public patrimony and the transparent exercise of the public function.

- Duty to obey the constitution
- Duty to serve in the military
- Duty to pay taxes
- Duty to work
- Compulsory education
- Reference to fraternity/solidarity
- Protection of environment

# TITLE III. OF THE LEGISLATIVE POWER

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## CHAPTER I. OF ITS CONFORMATION

- Structure of legislative chamber(s)

### Article 76. Composition of Congress

The Legislative Power is exercised in the name of the people by the National Congress, formed by the Senate of the Republic and the Chamber of Deputies.

### Article 77. Election of the legislators [feminine and masculine]

The election of senators and deputies shall be by direct universal suffrage in the terms established by the law.

- Second chamber selection
- First chamber selection
- Claim of universal suffrage

- Replacement of legislators

- Replacement of legislators

- Outside professions of legislators
- Eligibility for cabinet

1. When for any reason vacancies of senators or deputies occur, the corresponding chamber will choose their substitute from a terna [list of three names] presented to it by the superior organism of the party that nominated them;
2. The terna will be submitted to the chamber where the vacancy occurred within the thirty days following its occurrence, if the Congress is meeting and, in case this is not so, within the first thirty days of its meeting. After the specified time without the competent organ of the party having submitted the terna, the corresponding chamber will make the election;
3. The offices of senator and deputy are incompatible with another public function or employment, except for teaching. The law regulates the regime of other incompatibilities;
4. The [feminine and masculine] senators and deputies are not bound by imperative mandate, they always act with attachment to the sacred duty of representation of the people who elected them, before whom they must render account.

## SECTION I. OF THE SENATE

- Second chamber selection
- Term length of second chamber

### Article 78. Composition of the Senate

The Senate is composed of members elected on the basis of one per each province and one for the National District, with an exercise term lasting four years.

- Eligibility for second chamber
- Eligibility for first chamber

### Article 79. Requirements to be a senator [masculine] or senator [feminine]

To be a senator [feminine] or senator [masculine] it is required to be Dominican [feminine] of Dominican [masculine] in full exercise of their civil and political rights, to have turned twenty-five years of age, to be a native of the territorial demarcation that elected them or having resided in it for at least five consecutive years. In consequence:

- Minimum age for second chamber
- Minimum age for first chamber

1. The senators [feminine] and the senators [masculine] elected by a demarcation will reside therein during the period for which they are elected;
2. Naturalized persons can only be elected to the Senate ten years after having acquired the Dominican nationality, provided they have resided in the jurisdiction that elects them during the five years that precede their election.

### Article 80. Attributions

The exclusive attributions of the Senate are:

- Removal of individual legislators
- Constitutional court removal
- Supreme/ordinary court judge removal
- Electoral court removal
- Head of state removal

1. To take cognizance of the accusations formulated by the Chamber of Deputies against the [feminine and masculine] public officials specified in Article 83,



1. numeral 1. The declaration of culpability removes the person from their office, and they may not perform any public function, whether or not of popular election, for a time of ten years. The removed person shall be subject, if that is the case, to be accused and tried by the ordinary tribunals, in accordance with the law. This decision will be adopted with the vote of the two-thirds part of the registry of members;
2. To approve or disapprove the appointments of ambassadors and heads of permanent missions accredited abroad that the President of the Republic submits to it;
3. To elect the members of the Chamber of Accounts from the ternas presented by the Chamber of Deputies, with the vote of the two-thirds part of the senators present;
4. To elect the members of the Central Electoral Board and their substitutes, with the vote of the two-thirds part of those present;
5. To elect the Defender of the People, his substitutes and his adjuncts, from the ternas presented by the Chamber of Deputies, with the vote of the two-thirds part of those present;
6. To authorize, on prior request of the President of the Republic, in the absence of an agreement that permits it, the presence of foreign troops on military exercises within the territory of the Republic, as well to determine the time and conditions of their stay;
7. To approve or disapprove the sending of troops abroad for missions of peace authorized by international organs, establishing the conditions and duration of such mission.

- Electoral commission

- Ombudsman

- International organizations

## SECTION II. OF THE CHAMBER OF DEPUTIES

### Article 81. Representation and composition

The Chamber of Deputies will be composed in the following manner:

1. One hundred seventy-eight deputies [feminine] or deputies [masculine] elected by territorial circumscription in representation of the National District and the provinces, distributed in proportion to the population density, but in no case less than two representatives for each province;
2. Five deputies [feminine] or deputies [masculine] elected at a national level by accumulation of votes, preferably from parties, alliances or coalitions that did not obtain seats and that have reached no less than one percent (1%) of the votes validly emitted. The law will determine their distribution;
3. Seven deputies [feminine] or deputies [masculine] elected in representation of the Dominican community abroad. The law will determine their form of election and distribution.

- First chamber selection
- Size of first chamber

- First chamber representation quotas

- Minimum age for first chamber
- Eligibility for first chamber

### Article 82. Requirements to be a deputy [feminine] or deputy [masculine]

To be a deputy [feminine] or deputy [masculine] the same conditions to be a Senator are required.

### Article 83. Attributions

The exclusive attributions of the Chamber of Deputies are:

1. To accuse before the Senate the public functionaries [feminine and masculine] elected by popular vote, and those elected by the Senate and by the National Council of the Magistrature, for the commission a grave faults while in exercise of their functions. The accusation can only be formulated with the favorable vote of the two-thirds part of the registry of members. When it concerns the President and the Vice President of the Republic, the favorable vote of the three-

- Constitutional court removal
- Removal of individual legislators
- Head of state removal
- Supreme/ordinary court judge removal
- Electoral court removal

1. fourths part of the registry of members will be required. The accused person will remain suspended in their functions from the moment the Chamber declares the accusation as valid;
2. To submit to the Senate the ternas for the election of the members of the Chamber of Accounts with the favorable vote of the two-thirds part of those present;
3. To submit to the Senate the ternas for the Defender of the People, his or her substitutes, which cannot be more than two, and the adjuncts, which cannot be more than five, with the favorable vote of the two-thirds part of those present.

- Ombudsman

## CHAPTER II. OF PROVISIONS COMMON TO BOTH CHAMBERS

### Article 84. Quorum of the sessions

The presence of more than half of its members for the validity of the deliberations is necessary in each chamber. The decisions are adopted by an absolute majority of votes, except those previously declared cases of urgency, which, in their second discussion, will be decided by the two-thirds part of those present.

- Quorum for legislative sessions
- Supermajority required for legislation

### Article 85. Immunity for opinion

The members of both chambers enjoy immunity for the opinions expressed in the sessions.

- Immunity of legislators

### Article 86. Protection of the legislative function

No senator or deputy shall be deprived of their freedom during the legislature, without the authorization of the chamber to which they belong, except in the case of being apprehended at the moment of the commission of a crime.

If a legislator [masculine] or legislator [feminine] has been arrested, detained or deprived of their freedom in any form, the chamber to which they belongs, whether in session or not, and including one of its members, may require their release to freedom for the time of the duration of the legislature. To such effect, the President of the Senate or of the Chamber of Deputies, or a senator or deputy, as the case may be, will make a request to the Procurator General of the Republic and, if necessary, will give the order of release directly, by which all of the support of the public force may be required and must be provided.

- Immunity of legislators

### Article 87. Scope and limits of the immunity

The parliamentary immunity consecrated in the previous Article does not constitute a personal privilege of the legislator, but instead a prerogative of the chamber to which they belong and it does not prevent the initiation of the actions that proceed by law after the cessation of the congressional mandate. When the chamber receives a request from the competent judicial authority, with the goal of having the protection of one of its members removed, it shall proceed in accordance with what is established in its internal regulations and will decide to that effect within the maximum time of two months from the remission of the requirement.

- Immunity of legislators

### Article 88. Loss of investiture

The legislators [feminine and masculine] must attend the sessions of the legislature and submit themselves to the regime of disabilities and incompatibilities in the form and terms defined in this Constitution and in the internal regulations of the corresponding legislative chamber. Those who do not comply with the aforementioned will lose their investiture, after prior political trial in accordance with the norms instituted by this Constitution and the regulations, and will not be able to opt for a position in the National Congress within the ten years following their destitution.

- Removal of individual legislators
- Attendance by legislators

- Extraordinary legislative sessions
- Length of legislative sessions

## Article 89. Duration of the legislatures

The chambers will meet in ordinary form on February 27th and August 16th of each year. Each legislature will last one hundred and fifty days. The Executive Power can convoke them in an extraordinary form.

- Leader of second chamber
- Leader of first chamber

## Article 90. Directive Bureaus of the chambers

On August 16th of each year the Senate and the Chamber of Deputies shall elect their respective directive Bureaus, integrated by a president, a vice-president and two secretaries.

1. The President of the Senate and of the Chamber of Deputies will have, during the sessions, disciplinary powers and will represent their respective chambers in all legal acts;
2. Each chamber will designate its functionaries, and administrative and auxiliary employees in accordance with the Law of the Administrative Career of the National Congress;
3. Each chamber shall regulate what concerns its interior service and the execution of the matters that are peculiar to it, and may, in use of its disciplinary faculties, establish the corresponding sanctions.

## Article 91. Rendition of accounts of the presidents

The presidents of both chambers must convoke their respective plenaries during the first week of the month of August of each year, to render a report concerning the legislative, administrative and financial activities undertaken during the preceding period.

## Article 92. Rendition of accounts of the legislators

The legislators must render every year a report of their activities before the voters that they represent.

# CHAPTER III. OF THE ATTRIBUTIONS OF THE NATIONAL CONGRESS

## Article 93. Attributions

The National Congress legislates and supervises in representation of the people, and as a consequence it corresponds to it:

1. General attributions in legislative matters:
  - a. To establish the general taxes, tributes or contributions and to determine the mode of their collection and investment;
  - b. To take cognizance of the observations made by the Executive Power concerning the laws;
  - c. To provide for all matters concerning the conservation of monuments and the historical, cultural and artistic patrimony;
  - d. To create, modify or suppress regions, provinces, municipalities, municipal districts, sections and sites and determine all matters concerning their limits and organization, by the procedure regulated in this Constitution and with previous study that establishes the justified political, social and economic desirability of the modification;
  - e. To authorize the President of the Republic to declare the states of exception to which this Constitution refers;

- Reference to art
- Right to culture

- Emergency provisions

- Emergency provisions
1.
    - f. In case the national sovereignty is found exposed to a grave and imminent danger, the Congress can declare that a state of national defense exists, suspending the exercise of the individual rights, with exception of the rights established in Article 263. If the Congress is not meeting, the President of the Republic can dictate the same provision, which shall entail an immediate convocation thereof to be informed of the events and the provisions taken;
    - g. To establish the norms concerning the matters of immigration and the regime of foreigners;
    - h. To increase or to decrease the number of courts of appeal and to create or suppress tribunals and also provide for all matters related to their organization and competence, with previous consultation of the Supreme Court of Justice;
    - i. To vote annually the Law of the General Budget of the State, as well as to approve or to reject the extraordinary expenses for which the Executive Power solicits a credit from it;
    - j. To legislate concerning the public debt and to approve or to disapprove the credits and loans signed by the Executive Power, in accordance with this Constitution and the laws;
    - k. To approve or disapprove the contracts submitted to it by the President of the Republic, in accordance with what is established in Article 128, numeral 2), literal d), as well as the subsequent amendments or modifications that alter the conditions originally established in such contracts at the moment of their legislative sanction;
    - l. To approve or to disapprove the international treaties and conventions subscribed by the Executive Power;
    - m. To declare by law the necessity for a Constitutional Reform;
    - n. To grant honors to distinguished citizens [feminine] and to citizens [masculine] who have rendered recognized services for the Country or for the humanity;
    - nn. To concede authorization to the President of the Republic to travel abroad when it is for more than fifteen days;
    - o. To decide the transfer of the seat of the legislative chambers due to causes of force majeure or for other duly motivated circumstances;
    - p. To grant amnesty for political causes;
    - q. To legislate concerning any matter that is not within the competence of another power of the State and that is not contrary to the Constitution;
    - r. To pronounce through resolutions concerning the problems or the situations of national or international order which are of interest for the Republic.
  2. Attributions in the matters of supervision and control:
    - a. To approve or reject the state of collection and investment of the income that must be presented to it by the Executive Power during the first ordinary legislature of each year, taking as a base the report of the Chamber of Accounts;
    - b. To see to the conservation and fruition of the national assets in benefit of society and to approve or to reject the transfer of the assets of private domain of the Nation, except as provided in Article 128, numeral 2, literal d);
    - c. To summon ministers, vice-ministers, directors or administrators of autonomous and decentralized organs of the State before the permanent
- Budget bills
  - Treaty ratification
  - International law
  - Constitution amendment procedure
  - Legislative committees
  - Legislative oversight of the executive

2.
  - c. commissions of the Congress, to edify them concerning the budget execution and the acts of their administration;
  - d. To annually review all acts of the Executive Power and approve them, if they are adjusted to the Constitution and to the laws;
  - e. To appoint the permanent and special commissions, at the request of its members, to investigate any matter that results of public interest, and submit the corresponding report;
  - f. To supervise all the public policies implemented by the government and its autonomous and decentralized institutions, regardless of their nature and scope.

- Legislative oversight of the executive
- Legislative committees
- Legislative oversight of the executive
- Legislative oversight of the executive
- Legislative oversight of the executive
- Legislative committees

## Article 94. Invitations of the chambers

The legislative chambers, as well as the permanent and special commissions that they constitute, may invite ministers, vice-ministers, directors and other functionaries [masculine] and functionaries [feminine] of the Public Administration, as well as any physical or juridical person, to provide relevant information concerning the matters for which they are empowered.

### Paragraph

The refusal of the people summoned to appear or to make the required statements, will be sanctioned by the penal tribunals of the Republic with the penalty provided by the current legal provisions for the cases of contempt of the public authorities, upon request from the corresponding chamber.

- Legislative oversight of the executive

## Article 95. Interpellations

To interpellate ministers and vice-ministers, the Governor of the Central Bank and the directors or administrators of autonomous and decentralized organs of the State, as well as those of entities that administer public funds concerning matters within their competence, when agreed to by the majority of the members present, at the request of at least three legislators, as well as to collect information from other public functionaries competent in the matter and dependent on the aforementioned.

### Paragraph

If the cited functionary [masculine] or functionary [feminine] does not appear without justified cause or their statements are considered unsatisfactory, the chambers, with a vote of the two-thirds part of the members present, can emit a vote of censure against them and recommend their removal from the office to the President of the Republic or to the corresponding superior hierarchy for breach of a responsibility.

- Cabinet removal

## CHAPTER IV. OF THE FORMATION AND EFFECT OF THE LAWS

- Initiation of general legislation

## Article 96. Initiative of the law

The following have the right of initiative in the formation of the laws:

1. The senators [masculine] or senators [feminine] and the deputies [masculine] and the deputies [feminine];
2. The President of the Republic;
3. The Supreme Court of Justice in judicial matters;
4. The Central Electoral Board in electoral matters.

## Paragraph

The legislators [feminine and masculine] that exercise the right of initiative in the formulation of the laws, can sustain their motion in the other chamber. In equal manner, the others that have this right can do so in both chambers personally or through a representative.

- Legislative initiatives by citizens
- Initiation of general legislation

## Article 97. Popular legislative initiative

The popular legislative initiative is established, through which a number of citizens [masculine] and citizens [feminine] not less than two percent (2%) of those inscribed in the registry of electors, may present Bills of law before the National Congress. A special law shall establish the procedure and the restrictions for the exercise of this initiative.

- Division of labor between chambers

## Article 98. Legislative discussions

All Bills of law admitted in one of the chambers will be submitted to two different discussions, with an interval of at least one day between one and the other discussion. In case of being previously declared of urgency it shall be discussed in two consecutive sessions.

- Division of labor between chambers

## Article 99. Procedure between the chambers

With the Bill of law approved in one of the chambers, it will be passed to the other for its timely discussion, observing the same constitutional formalities. If this chamber makes modifications, it will return the modified Bill to the chamber where it was initiated, in order for it to take cognizance of it again in a unique discussion and, if such modifications are accepted, this last chamber will send the law to the Executive Power. If they are rejected, the Bill will be returned to the other chamber and if this one approves them, it will send the Bill to the Executive Power. If the modifications are rejected, the Bill is considered rejected.

- Extraordinary legislative sessions

## Article 100. Effects of extraordinary convocations

The extraordinary convocation conducted by the Executive Power to the legislative chambers will not cause effects for the purposes of the preemption of the pending Bills of law.

- Approval or veto of general legislation

## Article 101. Promulgation and publication

Any law approved in both chambers will be sent to the Executive Power for its promulgation or observation. If it does not make observations of it, it will promulgate the law within ten days of receiving it, if the matter was not declared of urgency, in which case it will be promulgated within five days of receipt, and will publish it within ten days from the date of the promulgation. Once the constitutional deadline for the promulgation and publication of the laws sanctioned by the National Congress has expired, they will be deemed promulgated and the President of the chamber that had remitted them to the Executive Power will publish them.

- Veto override procedure
- Approval or veto of general legislation

## Article 102. Observation of the law

If the Executive Power makes observations of the law that was sent to it, it will return it to the chamber from which it came within a time of ten days, to be counted from the date it was received. If the matter was declared of urgency, it will make its observations within the time of five days from being received. The Executive Power shall submit its observations indicating the Articles on which they fall and stating the reasons that motivate the observations. The chamber that received the observations will include them in the agenda of the next session and will discuss the law again in one reading. If after this discussion, the two-thirds part of the members present of this chamber approves them again, it will be sent to the other chamber; if this one approves them with an equal majority, it will be considered law definitively and will be promulgated and published in the terms established in Article 101.

- Veto override procedure

### **Article 103. Time to take cognizance of the observations of the Executive Power**

All laws observed by the Executive Power to the National Congress have a time of two ordinary legislatures to be decided, otherwise the observation will be considered accepted.

### **Article 104. Validity of a Bill of law**

The Bills of law that are left pending in one of the two chambers at the closing of the ordinary legislature, without prejudice to what is established in Article 100, will follow the constitutional procedures in the following legislature, until being converted into law or rejected. When it does not occur this way, the Bill will be considered as not initiated.

### **Article 105. Inclusion in the agenda**

All Bills of law received in one chamber, after being approved in the other, will be included in the agenda of the first session to be held.

### **Article 106. Extension of the legislatures**

When a Bill of law is sent to the President of the Republic for its promulgation and the remainder of the term of the legislature is less than what is established in Article 102 to make observations of it, the legislature will remain open to take cognizance of the observations, or the procedure will be continued in the next legislature without prejudice to what is set forth in Article 103.

### **Article 107. Rejected Bill of law**

The Bills of law rejected in one chamber cannot be presented in either of the two chambers until the following legislature.

### **Article 108. Headings of the laws**

The laws and bicameral resolutions will be headed in this manner: "The National Congress. In name of the Republic".

### **Article 109. Entry into force of the laws**

The laws, after being promulgated, will be published in the form determined by the law and will be given the widest possible dissemination. They shall be obligatory once the time has elapsed for them to be known throughout the national territory.

- Protection from ex post facto laws

### **Article 110. Non-retroactivity of the law**

The law only provides for and is applied for the future. It has no retroactive effect except when it is favorable to the one who is undergoing trial or serving sentence. In no case may the public powers or the law affect or alter the judicial security derived from the situations established in accordance with previous legislation.

### **Article 111. Laws of public order**

The laws concerning public order, police and security, obligate all the inhabitants of the territory and cannot be derogated by specific conventions.

- Supermajority required for legislation
- Organic laws

### **Article 112. Organic laws**

The organic laws are those that by their nature regulate the fundamental rights; the structure and organization of the public powers; the public function; the electoral regime; the economic and financial regime; the public budget, planning and investment; the territorial organization; the constitutional procedures; the security and defense; and the matters expressly referred to by the Constitution and others of similar nature. For their

approval or modification will require the favorable vote of the two-thirds part of those present in both chambers.

### **Article 113. Ordinary laws**

The ordinary laws are those that by their nature require for their approval the absolute majority of the votes of those present in each chamber.

## **CHAPTER V. OF THE RENDITION OF ACCOUNTS TO CONGRESS**

- Legislative oversight of the executive

### **Article 114. Rendition of accounts of the President of the Republic**

It is the responsibility of the President of the Republic to render accounts annually, before the National Congress, of the budgetary, financial and management administration that occurred in the previous year, according to that established by Article 128, numeral 2, literal f) of this Constitution, accompanied by an explanatory message of the macroeconomic and fiscal projections, the economic, financial and social results expected and the principal priorities that the government proposes to execute within the Law of the General Budget of the State approved for the current year.

- Legislative oversight of the executive

### **Article 115. Regulation of the procedures of control and supervision**

The law shall regulate the procedures required by the legislative chambers for the examination of the reports of the Chamber of Accounts, the examination of the acts of the Executive Power, the invitations, the interpellations, the political trial and the other mechanisms of control established by this Constitution.

- Ombudsman

### **Article 116. Rendition of the report of the Defender of the People**

The Defender of the People shall render to the National Congress an annual report of his administration, not later than thirty days before the end of the first ordinary legislature.

- Joint meetings of legislative chambers

## **CHAPTER VI. OF THE NATIONAL ASSEMBLY AND OF THE JOINT MEETING OF BOTH CHAMBERS**

### **Article 117. Conformation of the National Assembly**

The Senate and the Chamber of Deputies will celebrate their sessions in a separate form, except when they meet in the National Assembly.

### **Article 118. Quorum of the National Assembly**

The chambers will meet in National Assembly in the cases indicated in this Constitution, when more than half of the members of each chamber must be present. Their decisions will be taken by an absolute majority of votes, except when convoked to reform the Constitution.

### **Article 119. Directive Bureau of the National Assembly**

The National Assembly or the Joint Meeting of both chambers will be governed by its regulation of organization and functioning. In both cases, the President of the Senate will assume the presidency; the President of the Chamber of Deputies the vice-presidency, and the secretaries of each chamber, the secretariat.

In case of a temporary or definitive absence of the [feminine or masculine] President of the Senate and while a substitute has not been elected by that Legislative Chamber, the President [feminine] or President [masculine] of the Chamber of Deputies will preside over the National Assembly or the Joint Meeting,



In case of temporary or definitive absence of the President [feminine] or President [masculine] of both chambers, the Vice-President [feminine] or Vice-President [masculine] of the Senate and, in their default, the Vice-President [feminine] or Vice-President [masculine] of the Chamber of Deputies, will preside over the National Assembly or Joint Meeting.

### Article 120. Attributions of the National Assembly

It corresponds to the National Assembly:

- Constitution amendment procedure

1. To take cognizance of and to decide concerning the constitutional reforms, acting in this case, as a Revisory National Assembly;
2. To examine the records of election of the President [feminine] or President [masculine] and of the Vice-President [feminine] or Vice-President [masculine] of the Republic;
3. To proclaim the [feminine or masculine] President and Vice-President of the Republic, to receive their oaths or to accept or to reject their renunciations;
4. To exercise the faculties that this Constitution and the organic regulation confers on it.

### Article 121. Joint Meeting of the chambers

The chambers will meet jointly for the following cases:

1. To receive the message and the rendition of accounts of the [feminine or masculine] President of the Republic and the reports of the ministries;
2. To celebrate commemorative acts or acts of protocol nature.

## TITLE IV. OF THE EXECUTIVE POWER

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### CHAPTER I. OF THE PRESIDENT AND OF THE VICE-PRESIDENT OF THE REPUBLIC

#### SECTION I. GENERAL PROVISIONS

- Name/structure of executive(s)

#### Article 122. The President of the Republic

The Executive Power is exercised in the name of the people by the President [feminine] or the President [masculine] of the Republic, in the condition of head of the State and of government in accordance with what is set forth by this Constitution and the laws.

- Eligibility for head of state

#### Article 123. Requirements to be President of the Republic

To be President of the Republic it is required:

- Minimum age of head of state

1. To be a Dominican [feminine] or Dominican [masculine] of birth or of origin;
2. To have completed thirty years of age;
3. To be in full exercise of the civil and political rights;
4. To not be in active military or police service at least during the three years prior to the presidential elections.

- Restrictions on the armed forces

- Head of state term length
- Head of state selection
- Head of state term limits

## Article 124. Presidential election

The Executive Power is exercised by the [masculine or feminine] President of the Republic, who will be elected every four years by direct vote without being able to be elected for the following constitutional period.

- Deputy executive

## Article 125. Vice-President of the Republic

There will be a [masculine or feminine] Vice-President of the Republic, elected jointly with the President, in the same form and for the same period. To be Vice-President of the Republic the same conditions to be President are required.

## Article 126. Pledge of the President and the Vice-President of the Republic

The President and Vice-President of the Republic elected in the general elections, will be sworn into their offices on August 16th following their election, the date which ends the period of the outgoing authorities. In consequence:

1. When the President of the Republic cannot be sworn in, due to being outside of the country, due to illness or for any other cause of force majeure, the Vice-President will be sworn in, who will exercise in an interim form the functions of the President of the Republic, and in default of this, the President of the Supreme Court of Justice. Once the cause which has impeded the elected President or Vice-President from assuming their offices has ceased, these will be sworn in and will enter into their functions immediately;
2. If the elected President of the Republic should be absent in a definitive form without taking the oath of office, and such absence was recognized by the National Assembly, the elected Vice-President of the Republic will substitute for him, and in his absence, the form indicated above will proceed.

- Oaths to abide by constitution
- God or other deities

## Article 127. Oath

The elected [masculine or feminine] President and the [masculine or feminine] Vice-President of the Republic, before entering into their functions, will take before the National Assembly, the following oath: "I swear before God and before the people, for the Fatherland and on my honor, to fulfill and uphold the Constitution and the laws of the Republic, to protect and to defend its independence, to respect the rights and the freedoms of the citizens [masculine] and citizens [feminine] and faithfully fulfill the duties of my office."

## SECTION II. OF THE ATTRIBUTIONS

### Article 128. Attributions of the President of the Republic

The [feminine or masculine] President of the Republic directs the internal and foreign policy, the civil and military administration, and is the supreme authority of the Armed Forces, of the National Police and the other security bodies of the State.

1. In the condition of Head of State it corresponds to him to:
  - a. Preside over the solemn acts of the Nation;
  - b. Promulgate and publish the laws and resolutions of the National Congress and to see to their faithful execution. To issue decrees, regulations and instructions when necessary;
  - c. Appoint or dismiss the members of the military and police jurisdictions;
  - d. Celebrate and sign treaties or international conventions and submit them to the approval of the National Congress, without which they would not be valid or obligate the Republic;

- Head of state powers
- Designation of commander in chief
- Foreign affairs representative

- Head of state decree power
- Selection of active-duty commanders
- Treaty ratification
- International law

1.
  - e. To make provisions, in accordance with the law, when it concerns the Armed Forces and the National Police, issued by himself, or through the corresponding ministry, always maintaining his supreme command. To establish the contingent thereof and deploy them for objectives of public service;
  - f. Take the measures necessary to provide and to guarantee the legitimate defense of the Nation, in case of an actual or imminent armed attack on the part of a foreign nation or foreign powers, having to inform the National Congress concerning the provisions adopted and to solicit the declaration of a State for Defense if it proceeds;
  - g. Declare, if the National Congress is not meeting, the states of exception in accordance with the provisions of Articles 262 to 266 of this Constitution;
  - h. Adopt the provisional measures of policing and security necessary in case of violation of the provisions of Article 62, numeral 6 of this Constitution that disrupt or menace the public order, the security of the State, the regular functioning of the public services or of public utility, or that impede the development of the economic activities and that do not constitute the acts provided for in Articles 262 to 266 of this Constitution;
  - i. Provide, in accordance with the law, all of what is relative to the air, sea, river, land, military, and police zones in matters of national security, with the previous studies conducted by the ministries and their administrative dependencies;
  - j. Grant pardons on February 27th, August 16th and December 23rd of each year, in accordance with the law and the international conventions;
  - k. Have arrested or expelled, according to the law, the foreigners whose activities were or might be prejudicial to the public order or to the national security;
  - l. Prohibit, when it is deemed necessary for the public interest, the entry of foreigners to the national territory.

2. In the condition of Head of Government he has the faculty to:

- a. Appoint the ministers and vice-ministers and the other public functionaries that occupy offices of free appointment or whose designation is not attributed to any other organ of the State recognized by this Constitution or by the laws, as well as accepting their resignations and removing them;
- b. Appoint the [masculine of feminine] titular members of the autonomous and decentralized organs of the State, as well as to accept their resignations and removing them, in accordance with the law;
- c. Change the place of the official residence when it is deemed necessary;
- d. Celebrate contracts, submitting them to the approval of the National Congress when they contain provisions concerning the encumbrance of the national revenue, the sale of the assets of the State, the termination of loans or when they stipulate tax exemptions in general, in accordance with the Constitution. The maximum amount of such contracts and exemptions that can be subscribed by the President of the Republic without congressional approval, shall be of two hundred minimum salaries of the public sector;
- e. See to the good collection and true investment of the national revenue;
- f. Deposit before the National Congress, at the initiation of the first ordinary legislature on February 27th of each year, the reports of the ministries and render account for his administration of the previous year;

- Emergency provisions

- Emergency provisions

- Power to pardon

- International law

- Restrictions on entry or exit

- Cabinet removal

- Cabinet selection

- Legislative oversight of the executive

- Budget bills
  - International organizations
  - Foreign affairs representative
  - International organizations
  - Municipal government
2.
    - g. Submit to the National Congress, no later than the first of October of each year, the Bill of Law of the General Budget of the State for the following year.
  3. As Head of State and of Government it corresponds to him to:
    - a. Appoint, with the approval of the Senate of the Republic, the ambassadors accredited abroad and the heads of permanent missions before international organs, as well as to appoint the other members of the diplomatic corps, in accordance with the Law of Foreign Service, and to accept their resignations and to remove them;
    - b. Direct the diplomatic negotiations and to receive the foreign Heads of State and their representatives;
    - c. Grant, or not, authorization to Dominican citizens by which they may exercise offices or public functions of a government or of international organizations in the Dominican territory, and by which they may accept and use decorations and titles granted by foreign governments;
    - d. Authorize, or not, the town councils to transfer properties and approve, or not, the contracts that involve, when constituted as a guarantee, municipal properties or incomes;
    - e. The other the attributions set forth in the Constitution and the laws.

## SECTION III. OF THE PRESIDENTIAL SUCCESSION

- Head of state replacement

### Article 129. Presidential succession

The presidential succession will be governed by the following norms:

1. In case of the temporary absence of the President of the Republic the Executive Power will be assumed by the Vice-President of the Republic;
2. In case of the definitive absence of the President of the Republic, the Vice-President will assume the Presidency of the Republic for the time remaining for the termination of the presidential period;
3. On definitive absence of both, the President of the Supreme Court of Justice will assume the Executive Power in an interim manner, and within the fifteen days following the date of having assumed those functions, will convoke the National Assembly to meet within the following fifteen days to elect the new President and Vice-President of the Republic, in one session that can neither be closed nor be declared in recess until having achieved the election;
4. In the case that, for any circumstance, such convocation cannot be made, the National Assembly will meet of plain right, immediately, to complete the election in the previously indicated form;
5. The election will be made through the favorable vote of more than half of the assembly members present;
6. The substitutes of the President and Vice-President of the Republic will be chosen from the ternas [lists of three names] presented to the National Assembly by the superior organ of the political party that made the postulation, in accordance with their statutes, within the time set forth in numeral 3) of this Article. If the time expires without the party having presented the ternas, the National Assembly will conduct the election.

### Article 130. Vice-Presidential succession

In case of the definitive absence of the Vice-President of the Republic, before or after the oath, the President of the Republic, in a time of thirty days, will present a terna to the National Assembly for his election. If the time expired without the President having presented the terna, the National Assembly will conduct the election.

## SECTION IV. SPECIAL PROVISIONS

### Article 131. Authorization to travel abroad

The [masculine or feminine] President of the Republic cannot travel abroad for more than fifteen days without the authorization of the National Congress.

### Article 132. Resignation

The [masculine or feminine] President and Vice-President of the Republic can only resign before the National Assembly.

### Article 133. Immunity for deprivation of freedom

Without prejudice to what is set forth in Article 80, numeral 1) of this Constitution, the [masculine or feminine] President and Vice-President of the Republic, elected or in their functions, cannot be deprived of their freedom.

## CHAPTER II. OF THE MINISTRIES

### Article 134. Ministries of the State

For the conduct of the affairs of government there will be the ministries that will be created by law. Each ministry will be the responsibility of one minister and will include the vice-ministers considered necessary for the conduct of its affairs.

### Article 135. Requirements to be a minister or vice-minister

To be a minister or vice-minister it is required to be Dominican [feminine] or Dominican [masculine] in full exercise of the civil and political rights and have reached the age of twenty-five years. Naturalized persons can only be ministers or vice-ministers ten years after having acquired the Dominican nationality. The ministers and vice-ministers may not exercise any professional or commercial activity that could create conflicts of interest.

### Article 136. Attributions

The law will determine the attributions of the ministers and vice-ministers.

## SECTION I. OF THE COUNCIL OF MINISTERS

### Article 137. Council of Ministers

The Council of Ministers is the organ of coordination of the general affairs of the government and it has as its goal to organize and to expedite the conduct of those aspects of the Public Administration in benefit of the general interests of the Nation and for the serving the citizenry. It will be integrated by the President of the Republic, who will preside over it, the Vice-President of the Republic and the ministers.

## CHAPTER III. OF THE PUBLIC ADMINISTRATION

### Article 138. Principles of the Public Administration

The Public Administration is subject in its actions to the principles of efficacy, hierarchy, objectivity, equality, transparency, economy, publicity and coordination, with full submission to the juridical order of the State. The law shall regulate:

1. The statute of the public functionaries, the access to the public function in accordance with the merit and capacity of the candidates, the specialized instruction and training, the regime of incompatibilities of the functionaries that assures their impartiality in the exercise of the legally conferred functions;

- Head of state immunity

- Establishment of cabinet/ministers

- Eligibility for cabinet

- Powers of cabinet

- Establishment of cabinet/ministers

- Civil service recruitment

2. The procedure by which the decisions and administrative acts must be produced, guaranteeing the hearing of the interested persons, with the exceptions established by the law.

### **Article 139. Control of legality of the Public Administration**

The tribunals will control the legality of the acts of the Public Administration. The citizenry may require that control through the procedures established by the law.

### **Article 140. Regulation for the increase in remunerations**

No public institution or autonomous entity that handles public funds will establish norms or provisions that will tend to increase the remuneration or the benefits of its administrators or executives, except for the subsequent period to which they were elected or appointed. The inobservance of this provision will be sanctioned in accordance with the law.

## **SECTION I. OF THE AUTONOMOUS AND DECENTRALIZED ORGANS OF THE STATE**

### **Article 141. Autonomous and decentralized organs**

The law will create autonomous and decentralized organs in the State, provided with juridical personality, and with administrative, financial and technical autonomy. These organs will be attached to the sector of the administration that is compatible with its activity, under the oversight of the minister [feminine] or minister [masculine] who is the head of the sector. The law and the Executive Power will regulate the policies of de-concentration of the Public Administration services.

## **SECTION II. OF THE STATUTE OF THE PUBLIC FUNCTION**

### **Article 142. The Public Function**

The Statute of the Public Function is a regime of public law based in the merit and professionalism for an efficient management and the fulfillment of the essential functions of the State. This statute will determine the form of entrance, promotion, evaluation of performance, permanence and dismissal of the public servants in their functions.

### **Article 143. Statutory regime**

The law will determine the statutory regime required for the professionalization of the different institutions of the Public Administration.

### **Article 144. Regime of Compensation**

No functionary or employee of the State may perform, in a simultaneous form, more than one remunerated office, except for teaching. The law will establish the modalities of compensation of the [feminine and masculine] functionaries and employees of the State, in accordance with the criteria of merit and the characteristics of the rendering of service.

### **Article 145. Protection of the Public Function**

The dismissal of public servants that belong to the Administrative Career in violation of the regime of the Public Function, will be considered as an act contrary to the Constitution and to the law.

### **Article 146. Proscription of corruption**

All forms of corruption within the organs of the State are condemned. In consequence:

- Civil service recruitment

- Earnings disclosure requirement

1. Any person who steals public funds or that by taking advantage of their positions within the organs of the State, its dependencies or autonomous institutions, obtains for himself or for third persons an economic advantage, will be punished with the penalties established by the law;
2. In the same form, the person who provides advantages to their associates, family members, relatives, friends or related persons will be sanctioned;
3. The sworn declaration of the assets of the [feminine and masculine] public functionaries, to whom it always corresponds to prove the origin of their assets, before and after having finalized their functions or at the requirement of the competent authority, is obligatory, in accordance with what is set forth by the law;
4. The penalty of civic degradation will be applied to the persons convicted of crimes of corruption, without prejudice to the other sanctions set forth by the law, and the restitution of that appropriated in an illicit manner will be required of them;
5. The law may provide for periods of prescription of longer duration than the ordinary ones for the cases of crimes of corruption and a regime of restrictive procedural benefits.

### SECTION III. OF THE PUBLIC SERVICES

#### Article 147. Purpose of the public services

The public services are destined to satisfy the needs of the collective interest. They will be declared by law. In consequence:

1. The State guarantees the access to quality public services, directly or by delegation, by means of concession, authorization, association in participation, transfer of actionable property or other contractual modality, in accordance with this Constitution and the law;
2. The public services rendered by the State or by individuals, in the legal or contractual modalities, must respond to the principles of universality, accessibility, efficiency, transparency, responsibility, continuity, quality, reasonableness and equity of rates;
3. The regulation of the public services is the exclusive faculty of the State. The law may establish that the regulation of these services and of other economic activities be the responsibility of the organs created for such purposes.

### SECTION IV. OF THE CIVIL RESPONSIBILITY OF THE PUBLIC ENTITIES, THEIR FUNCTIONARIES OR AGENTS

- Ultra-vires administrative actions

#### Article 148. Civil responsibility

The juridical persons of public law and their functionaries or agents will be responsible, jointly and severally, in accordance with the law, for the damages and losses caused to physical or juridical persons by an anti-judicial administrative act or omission.

## TITLE V. OF THE JUDICIAL POWER

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#### Article 149. The Judicial Power

- Structure of the courts

Justice is administered gratuitously, in the name of the Republic, by the Judicial Power. This power is exercised by the Supreme Court of Justice and the other tribunals created by this Constitution and by the laws.

- Protection of judges' salaries

### Paragraph I

The judicial function consists in administering justice to decide concerning the conflicts between physical or moral persons, in private or public law, in any type of process, judging and having judgments executed. Its exercise corresponds to the tribunals and courts determined by the law. The Judicial Power enjoys functional, administrative and budgetary autonomy.

### Paragraph II

The tribunals will not exercise more functions than those attributed by the Constitution and the laws.

- Right to appeal judicial decisions

### Paragraph III

Any decision issued by a tribunal may be appealed before a superior court, subject to the conditions and exceptions established by the law.

## Article 150. Judicial career

- Supreme/ordinary court judge removal

The law will regulate the juridical statute of the judicial career, the entrance, formation, advancement, promotion, dismissal, and retirement of a judge, in accordance with the principles of merit, capacity and professionalism; as well as the regime of retirement and pensions for the judges, functionaries and employees of the judicial order.

### Paragraph I

The law will also regulate the National School of the Judicature, which will have as its function the initial formation of the [masculine and feminine] aspirants for judges, assuring their technical training.

- Eligibility for ordinary court judges
- Eligibility for const court judges
- Eligibility for administrative judges
- Eligibility for supreme court judges

### Paragraph II

To be appointed a judge of the Judicial Power, every aspirant must submit to a public contest of merits through a system of entry to the National School of the Judicature that to such effect will be established by law and have successfully completed the program of instruction of this school. Only the members of the Supreme Court of Justice that are of free election are exempt from these requirements.

## Article 151. Independence of the Judicial Power

- Supreme/ordinary court judge removal
- Judicial independence

The [feminine and masculine] judges who are members of the Judicial Power are independent, impartial, responsible and not removable and are subjected to the Constitution and the laws. They cannot be removed, separated, suspended, transferred or retired, except for any of the causes established by, and with the guarantees provided for, by the law.

1. The law will establish the regime of responsibility and rendition of accounts of judges and functionaries of the Judicial Power. Service in the Judicial Power is incompatible with any other public or private function, except for teaching. Its members are can neither opt for any elective public office, nor participate in partisan political activity;
2. The age of obligatory retirement for the judges of the Supreme Court of Justice is seventy-five years. For the other judges, functionaries and employees of the Judicial Power it will be established in accordance with the law that governs the matter.

- Mandatory retirement age for judges

## CHAPTER I. OF THE SUPREME COURT OF JUSTICE

- Structure of the courts
- Number of supreme court judges



## Article 152. Integration

The Supreme Court of Justice is the superior jurisdictional organ of all the judicial organs. It will be integrated by not less than sixteen judges and may meet, deliberate and decide validly with the quorum determined by the law that establishes its organization. It will be divided into chambers, in accordance with the law.

- Eligibility for supreme court judges
- Eligibility for const court judges
- Attorney general

## Article 153. Requirements

To be a [masculine or feminine] judge of the Supreme Court of Justice it is required to:

- Min age of const court judges
- Minimum age of supreme court judges

1. Be a Dominican [feminine] or Dominican [masculine] by birth or origin and be more than thirty-five years of age;
2. Be in full exercise of the civil and political rights;
3. Be a bachelor or doctor in Law;
4. Have exercised for at least twelve years the profession of lawyer, the university teaching of law or to have performed, for an equal time, the functions of judge within the Judicial Power or of representative of the Public Ministry. These periods may be accrued.

## Article 154. Attributions

It corresponds exclusively to the Supreme Court of Justice, without prejudice to the other attributions that the law confers on it:

- Supreme court powers

- Immunity of legislators
- Head of state immunity

1. To take cognizance in sole instance of the penal causes followed against the President and the Vice-President of the Republic; the senators, deputies; judges of the Supreme Court of Justice, and of the Constitutional Tribunal; the ministers and vice-ministers; the Procurator General of the Republic; the judges and general procurators of the courts of appeal or equivalent courts; the judges of the superior tribunals of lands, of the superior administrative tribunals and of the Superior Electoral Tribunal; the Defender of the People; the members of the Diplomatic Corps and the heads of missions accredited abroad; the members of the Central Electoral Board, of the Chamber of Accounts and of the Monetary Board;
2. To take cognizance of recourses in cassation in accordance with the law;
3. To take cognizance of, in last recourse, of the causes of which cognizance in first instance is the competence of the courts of appeal and their equivalents;
4. To appoint, in accordance with the Law of the Judicial Career, the judges of the courts of appeal or their equivalents, of the courts of first instance or their equivalents, the judges of instruction, the justices of the peace and their substitutes, and the judges of any other tribunals of the Judicial Power created by the Constitution and the laws.

- Right to appeal judicial decisions

- Right to appeal judicial decisions

- Administrative court selection
- Ordinary court selection

- Establishment of judicial council

## CHAPTER II. OF THE COUNCIL OF THE JUDICIAL POWER

### Article 155. Integration

The council of the Judicial Power will be integrated in the following manner:

1. The President of the Supreme Court of Justice, who will preside over it;
2. A Judge of the Supreme Court of Justice, elected by the plenary thereof;
3. A Judge of the Court of Appeal or his equivalent, elected by his peers;
4. A Judge of First Instance or his equivalent, elected by his peers;
5. A Justice of the Peace or his equivalent, elected by his peers.

## Paragraph I

The members of this council, with exception of the President of the Supreme Court of Justice, will remain in these functions for five years, they will cease in the exercise of their jurisdictional functions while being members of such council and may not opt for a new period in the council.

## Paragraph II

The law will define the functioning and organization of this council.

## Article 156. Functions

The Council of the Judicial Power is the permanent organ of administration and discipline of the Judicial Power. It will have the following functions:

- Ordinary court selection
- Administrative court selection

1. To present to the plenary of the Supreme Court of Justice the candidates [masculine] or candidates [feminine] for the appointment, determination of hierarchy and advancement of the judges of the different tribunals of the Judicial Power, in accordance with the law;
2. The financial and budgetary administration of the Judicial Power;
3. The disciplinary control over the judges, functionaries and employees of the Judicial Power with exception of the members of the Supreme Court of Justice;
4. The application and execution of the instruments of evaluation of performance of the judges and administrative personnel that integrate the Judicial Power;
5. The transfer of the judges of the Judicial Power;
6. The creation of the administrative offices of the Judicial Power;
7. The appointment of all the functionaries and employees that depend on the Judicial Power;
8. The other functions conferred by the law.

## CHAPTER III. OF THE JUDICIAL ORGANIZATION

### SECTION I. OF THE COURTS OF APPEAL

- Structure of the courts

#### Article 157. Courts of Appeal

There will be the Courts of Appeal and their equivalents that the law will determine, as well as the number of judges that must comprise them and their territorial competence.

- Eligibility for ordinary court judges
- Eligibility for administrative judges

#### Article 158. Requirements

To be a judge of a Court of Appeal it is required to:

1. Be a Dominican [masculine] or Dominican [feminine];
2. Be in full exercise of the civil and political rights,
3. Be a bachelor or doctor in Law;
4. Belong to the judicial career and have performed as a Judge of First Instance during the time that the law determines.

#### Article 159. Attributions

The following are attributions of the courts of appeal:

1. To take cognizance of the appeals to the sentences, in accordance with the law;
2. To take cognizance in first instance of the penal causes followed against the judges of first instance or their equivalents; the prosecuting attorneys, the titular members of the autonomous and decentralized organs of the State, the provincial governors, and the mayors of the National District and of the municipalities;
3. To take cognizance of the other matters determined by the law.

- Subsidiary unit government
- Municipal government

## SECTION II. OF THE COURTS OF FIRST INSTANCE

### Article 160. Courts of first instance

There will be the courts of first instance or their equivalents, with the number of judges and the territorial competence that the law determines.

### Article 161. Requirements

To be a judge of first instance it is required to:

1. Be a Dominican [masculine] or Dominican [feminine]
2. Be in full exercise of civil and political rights;
3. Be a bachelor or doctor in Law;
4. Belong to the judicial career and have performed as a Justice of the Peace during the time that the law determines.

- Structure of the courts
- Eligibility for ordinary court judges
- Eligibility for administrative judges

## SECTION III. OF THE COURTS OF PEACE

### Article 162. Courts of peace

The law will determine the number of courts of peace or their equivalents, their attributions, territorial competence and the form in which they will be organized.

### Article 163. Requirements

To be a justice of the peace it is required to:

1. Be a Dominican [masculine] or Dominican [feminine];
2. Be in full exercise of civil and political rights;
3. Be a bachelor or doctor in Law.

- Structure of the courts
- Eligibility for ordinary court judges

## CHAPTER IV. OF THE SPECIALIZED JURISDICTIONS

### SECTION I. OF THE ADMINISTRATIVE CONTENTIOUS JURISDICTION

#### Article 164. Integration

The Administrative Contentious Jurisdiction will be integrated by superior administrative tribunals and by administrative contentious tribunals of first instance. Their attributions, integration, location, territorial competence and procedures will be determined by the law. The superior tribunals may be divided into chambers and their decisions are susceptible of being appealed in cassation.

- Establishment of administrative courts
- Eligibility for administrative judges

## Paragraph I

The [feminine and masculine] judges of the superior administrative tribunals must meet the same requirements necessary for the judges of the courts of appeal.

## Paragraph II

The [feminine or masculine] judges of the administrative contentious tribunals must meet the same requirements necessary for the judges of first instance.

## Article 165. Attributions

The following are attributions of the superior administrative tribunals, without prejudice to the others set forth by the law:

1. To take cognizance of the recourses against the decisions in administrative, tax, financial and municipal matters of any administrative contentious tribunal of first instance, or that in essence has that character;
2. To take cognizance of the contentious recourses against the acts, actions and provisions of the administrative authorities that are contrary to the Law, as a consequence of the relations between the Administration of the State and individuals, if these are not heard by the administrative contentious tribunals of first instance;
3. To take cognizance of and resolve in first instance or in appeal, in accordance with the law, the administrative contentious actions that stem from the conflicts arising from the Public Administration and its civil functionaries and employees;
4. The other attributions conferred by the law.

- Ultra-vires administrative actions

## Article 166. General Administrative Procurator

The Public Administration will be represented permanently before the Administrative Contentious Jurisdiction by the General Administrative Procurator and, if it proceeds, by the lawyers that he appoints. The General Administrative Procurator will be appointed by the Executive Power. The law will regulate the representation of the other organs of the State.

## Article 167. Requirements

The General Administrative Procurator must fulfill the same conditions required to be the Procurator General of the Court of Appeal.

## SECTION II. SPECIALIZED JURISDICTIONS

### Article 168. Specialized jurisdictions

The law will establish the creation of specialized jurisdictions when reasons of public interest or of efficiency of service for the treatment of other matters require it.

## CHAPTER V. OF THE PUBLIC MINISTRY

### Article 169. Definition and functions

The Public Ministry is the organ of the system of justice responsible for the formulation and implementation of the policy of the State against criminality, it directs the criminal investigation and exercises the public action in representation of society.

- Protection of victim's rights

## Paragraph I

In the exercise of its functions, the Public Ministry will guarantee the fundamental rights that assist the citizens [masculine] and the citizens [feminine], it will promote the

alternative resolution of disputes, it will establish the protection of victims and witnesses and will defend the public interest guarded by the law.

## Paragraph II

The law will regulate the functioning of the system of penitentiaries under the direction of the Public Ministry or another organ that is constituted for such effect.

## Article 170. Autonomy and principles of action

The Public Ministry enjoys functional, administrative and budgetary autonomy. It exercise its functions in accordance with the principles of legality, objectivity, unity of actions, hierarchy, indivisibility and responsibility.

- Attorney general

## SECTION I. OF INTEGRATION

### Article 171. Designation and requirements

The President of the Republic will appoint the Procurator General of the Republic and also half of his adjunct procurators. To be the Procurator General of the Republic or an adjunct, the same requirements to be a judge of the Supreme Court of Justice are required. The law will set forth the form of appointment of the other members of the Public Ministry.

### Article 172. Integration and incompatibilities

The Public Ministry is integrated by the Procurator General of the republic, who directs it, and by the other [feminine or masculine] representatives established by the law.

#### Paragraph I

The Public Ministry will be represented before the Supreme Court of Justice by the Procurator General of the Republic and by the [feminine and masculine] adjunct procurators, in accordance with the law. Its representation before the other judicial instances will be set forth by the law.

#### Paragraph II

The function of representative of the Public Ministry is incompatible with any other public or private function, except for teaching and, while retaining the exercise of their functions, they cannot opt for any other public elective office or participate in any political partisan activity.

## SECTION II. OF THE CAREER OF THE PUBLIC MINISTRY

### Article 173. System of career

The Public Ministry is organized in accordance with the law, which regulates its non-removability, the disciplinary regime and the other precepts that govern its acts, as well as its school of formation and its organs of government, guaranteeing the permanence of its career members until reaching seventy-five years of age.

## SECTION III. OF THE SUPERIOR COUNCIL OF THE PUBLIC MINISTRY

### Article 174. Integration

The internal government organ of the Public Ministry is the Superior Council of the Public Ministry, which will be integrated in the following manner:

1. The Procurator General of the Republic, who will preside over it;
2. An Adjunct Procurator General of the Republic elected by his peers;

3. A Procurator General of the Court of Appeal elected by his peers;
4. A Prosecuting Attorney or his equivalent elected by his peers;
5. A Supervisor elected by his peers.

### Paragraph

The law will define the functioning and organization of this council.

### Article 175. Functions

The functions of the Superior Council of the Public Ministry are the following:

1. To direct and administer the system of the career of the Public Ministry;
2. The financial and budgetary administration of the Public Ministry;
3. To exercise the disciplinary control over the representatives, functionaries and employees of the Public Ministry, with exception of the Procurator General of the Republic;
4. To formulate and apply the instruments of evaluation of the representatives of the Public Ministry and of the administrative personnel that integrate it;
5. To transfer the representatives of the Public Ministry, provisionally or definitively, from one jurisdiction to another when it is necessary and useful for the service, with the conditions and guarantees set forth in the law, with exception of the [feminine and masculine] adjunct attorneys of the Procurator General of the Republic;
6. To create the administrative offices that are necessary by which the Public Ministry may fulfill the attributions conferred on it by this Constitution and the laws;
7. The other functions conferred on it by the law.

## CHAPTER VI. OF THE PUBLIC DEFENSE AND OF THE GRATUITOUS LEGAL ASSISTANCE

- Right to counsel

### Article 176. Public Defense

The service of Public Defense is an organ of the system of justice provided with administrative and functional autonomy, which has as its objective guaranteeing the effective guardianship of the fundamental right to defense in the specific areas of its competence. The service of Public Defense will be offered in the entire national territory attending to the criteria of gratuity, ease of access, equality, efficiency and quality, for the accused persons that for any reason are not assisted by a lawyer. The Law of Public Defense will govern the functioning of this institution.

- Protection of victim's rights
- Right to counsel

### Article 177. Gratuitous legal assistance

The State will be responsible for organizing programs and services of gratuitous legal assistance in favor of the people that lack the economic resources to obtain the judicial representation of their interests, particularly for the protection of the rights of the victim, without prejudice to the attributions that correspond to the Public Ministry within the scope of the penal process.

- Establishment of judicial council

# TITLE VI. OF THE NATIONAL COUNCIL OF THE MAGISTRATURE

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## Article 178. Integration

The National Council of the Magistrature will be integrated by:

1. The President of the Republic, who will preside over it and, in his absence, by the Vice-President of the Republic;
2. The President of the Senate;
3. A senator [masculine] or senator [feminine] chosen by the Senate that belongs to the party or bloc of parties that are different from the one of the President of the Senate and that holds the representation of the second majority;
4. The President of the Chamber of Deputies;
5. A deputy [masculine] or deputy [feminine] chosen by the Chamber of Deputies that belongs to the party or bloc of parties that are different from the one of the President of the Chamber of Deputies and that holds the representation of the second majority;
6. The President of the Supreme Court of Justice;
7. A magistrate [masculine] or magistrate [feminine] of the Supreme Court of Justice chosen by it, who will act as secretary;
8. The Procurator General of the Republic.

## Article 179. Functions

The National Council of the Magistrature will have the following functions:

1. To designate the judges of the Supreme Courts of Justice;
2. To designate the judges of the Constitutional Tribunal;
3. To designate the judges of the Superior Electoral Tribunal and their substitutes;
4. To evaluate the performance of the judges of the Supreme Court of Justice.

## Article 180. Criteria for the choice

The National Council of the Magistrature, when conforming the Supreme Court of Justice, must select the three-fourths part of its members from judges that belong to the system of the judicial career, and will choose the remaining fourth part from law or academic professionals or from members of the Public Ministry.

### Paragraph I

The National Council of the Magistrature, when designating the [feminine or masculine] judges of the Supreme Court of Justice, will establish which of them will occupy the presidency and will designate a first and second substitute to replace the President in case of absence or impediment. The President and his substitutes will exercise these functions for a period of seven years, at the end of which, and prior to a evaluation of their performance conducted by the National Council of the Magistrature, they may be elected for a new period.

- Supreme court selection
- Constitutional court selection
- Electoral court selection

- Supreme court selection

- Eligibility for supreme court judges

- Supreme court term length

## Paragraph II

In case of the vacancy of a judge invested with one of the aforementioned qualities, the National Council of the Magistrature will designate a new judge with equal quality or will attribute this to another one of the judges of the Supreme Court of Justice.

- Supreme/ordinary court judge removal

## Article 181. Performance evaluation

The judges of the Supreme Court of Justice will be subject to an evaluation of their performance at the end of seven years from their election, conducted by the National Council of the Magistrature. In the cases in which the National Council of the Magistrature decides on the pertinence of dismissing a judge from his office, it must base its decision in the motives contained in the law that governs the matter.

- Constitutional court selection

## Article 182. Choice of the judges of the Constitutional Tribunal

The National Council of the Magistrature, when conforming the Constitutional Tribunal, will establish which of them will occupy the presidency and will designate a first and second substitute to replace the President, in case of absence or impediment.

- Electoral court selection

## Article 183. Choice of the judges of the Superior Electoral Tribunal

The National Council of the Magistrature, when designating the judges and their substitutes of the Superior Electoral Tribunal, will establish which of them will occupy the presidency.

- Establishment of constitutional court

# TITLE VII. OF THE CONSTITUTIONAL CONTROL

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- Constitutional interpretation

## Article 184. The Constitutional Tribunal

There will be a Constitutional Tribunal to guarantee the supremacy of the Constitution, the defense of the constitutional order and the protection of the fundamental rights. Its decisions are definitive and irrevocable and they constitute binding precedents for the public powers and all of the organs of the State. It will enjoy administrative and budgetary autonomy.

- Constitutional court powers

## Article 185. Attributions

The Constitutional Tribunal will be competent to take cognizance of, in sole instance:

- Constitutionality of legislation

1. The direct actions of unconstitutionality against the laws, decrees, regulations, resolutions and ordinances, at the instance of the President of the Republic, of a third part of the members of the Senate or of the Chamber of Deputies and of any person with a legitimate and juridically protected interest.
2. The preventive control of the international treaties before their ratification by the legislative organ;
3. The conflicts of competence between the public powers, at the instance of one of its titular members;
4. Any other matter established by the law.

- Legal status of treaties

- Treaty ratification



- Constitutional court opinions
- Constitutionality of legislation

## Article 186. Integration and decisions

The Constitutional Tribunal will be integrated by thirteen members and their decisions will be adopted with a qualified majority of nine or more of its members. The judges that have emitted a dissident vote can assert their reasoning in the decision adopted.

- Constitutional court selection
- Min age of const court judges
- Constitutional court removal
- Eligibility for const court judges

## Article 187. Requirements and renovation

To be a judge of the Constitutional Tribunal the same conditions necessary for the judges of the Supreme Court of Justice are required. Its members will be non-removable during the time of their mandate. The condition of judge is only lost with death, resignation or destitution due to grave faults in the exercise of his functions, in which case a person can be designated to complete the period.

- Constitutional court term length
- Constitutional court term limits

### Paragraph

The judges of this tribunal will be appointed for a sole period of nine years. They cannot be reelected, except those that in their quality of replacements have occupied the office for a period of less than five years. The composition of the Tribunal will be renewed in a gradual manner every three years.

## Article 188. Diffuse control

The tribunals of the Republic will take cognizance of the pleadings of constitutionality in the matters submitted to their cognizance.

## Article 189. Regulation of the Tribunal

The law will regulate the constitutional procedures and what is relative to the organization and to the functioning of the Constitutional Tribunal.

- Ombudsman

# TITLE VIII. OF THE DEFENDER OF THE PEOPLE

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## Article 190. Autonomy of the Defender of the People

The Defender of the People is an authority that is independent in its functions and with administrative and budgetary autonomy. It is obligated in an exclusive manner to the mandate of this Constitution and the laws.

## Article 191. Essential functions

The essential function of the Defender of the People is to contribute to the safeguarding of the fundamental rights of the persons and the collective and diffuse interests established in this Constitution and the laws, in case they are violated by functionaries or organs of the State, by providers of public services or individuals that affect collective and diffuse interests. The law will regulate what is relative to its organization and functioning.

## Article 192. Election

The Defender of the People and his adjuncts will be appointed by the Senate for a period of six years, from ternas proposed by the Chamber of Deputies and will remain in the office until being substituted. The Chamber of Deputies must choose the ternas in the

ordinary legislature prior to the fulfillment of the time of the mandate of those designated and will submit them before the Senate in a time that may not exceed fifteen days following their approval. The Senate of the Republic will conduct the election before the following thirty days.

### Paragraph

If the time expires without the Chamber of Deputies having chosen and presented the ternas, these will be chosen and presented to the Senate by the Plenary of the Supreme Court of Justice. If it is the Senate that does not conduct the election in the specified time, the Supreme Court of Justice will make the election from the ternas presented by the Chamber of Deputies.

## TITLE IX. OF THE ORDERING OF THE TERRITORY AND OF THE LOCAL ADMINISTRATION

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### CHAPTER I. OF THE ORGANIZATION OF THE TERRITORY

- Protection of environment

#### Article 193. Principles of territorial organization

The Dominican Republic is a unitary State of which territorial organization has as its purpose the favoring of its integral and balanced development and that of its inhabitants, by being compatible with their needs and with the preservation of its natural resources, and of its national identity and of its cultural values. The territorial organization will be made hard in accordance with the principles of unity, identity, and political, administrative, social and economic rationality.

#### Article 194. Plan of territorial ordering

The formulation and execution, through the law, of a plan of territorial ordering that assures the efficient and sustainable use of the natural resources of the Nation, in accordance with the need of adaptation to climate change, is a priority of the State.

#### Article 195. Territorial delimitation

The names and the limits of the regions, as well as of the provinces and of the municipalities, in which they are divided, will be determined through an organic law.

### CHAPTER II. OF THE LOCAL ADMINISTRATION

- Subsidiary unit government

#### SECTION I. OF THE REGIONS AND OF THE PROVINCES

##### Article 196. The region

The region is the basic unit for the articulation and formulation of the public policies in the national territory. The law will define all of what is relative to its competences, composition, organization and functioning and will determine the number of these.

- Reference to fraternity/solidarity

### Paragraph

Without prejudice to the principle of solidarity, the State will procure a reasonable balance of the public investment in the distinct geographic demarcations in a manner so as to be proportional with their contributions to the national economy.

## Article 197. The province

The province is the intermediate political demarcation in the territory. It is divided into municipalities, municipal districts, sections and places. The law will define all of what is relative to its composition, organization and functioning and will determine the number of these.

## Article 198. The Civil Governor

The Executive Power will appoint in each province a civil governor, who will be its representative in that demarcation. In order to be a civil governor it is required to be a Dominican [masculine] or Dominican [feminine], greater than twenty-five years of age and be in full exercise of the civil and political rights. Their attributions and duties will be determined by the law.

- Municipal government

## SECTION II. OF THE REGIME OF THE MUNICIPALITIES

### Article 199. Local administration

The National District, the municipalities and the municipal districts constitute the base of the local political administrative system. They are juridical persons of Public Law, responsible for their actions, they enjoy their own patrimony, with budgetary autonomy, with normative and administrative powers and of use of territory, established in an express manner by the law and subjected to the power of supervision of the State and to the social control of the citizenry, in the terms established by this Constitution and the laws.

### Article 200. Municipal taxes

The town councils can establish municipal taxes within the scope of their demarcation that the law establishes in an express manner, as long as they do not interfere with the national taxes, with intermunicipal commerce or of exporting or with the Constitution and the laws. It corresponds to the competent tribunals to take cognizance of the disputes that arise in this matter.

### Article 201. Local governments

The government of the National District and of the municipalities will be, each one, the responsibility of the town council, constituted by two organs that are complementary between them, the Council of Aldermen and the Office of the Mayor. The Council of Aldermen is an exclusive normative, regulatory and supervisory organ integrated by Aldermen [masculine] and Aldermen [feminine]. These will have substitutes. The Office of the Mayor is the executive organ headed by a Mayor [masculine] or Mayor [feminine], whose substitute will be denominated Vice-Mayor [masculine] or Vice-Mayor [feminine].

#### Paragraph I

The government of the municipal districts will be the responsibility of a District Board, integrated by a director [masculine] or a director [feminine] which will act as an executive organ, and a Board of Members with normative, regulatory and supervisory functions. The director [masculine] or the director [feminine] will have a substitute.

#### Paragraph II

The parties or political, regional, provincial or municipal groups will make the presentation of candidatures for the municipal elections and for the municipal districts for Mayor [masculine] or Mayor [feminine], for Aldermen [masculine] and Aldermen [feminine], for director [masculine] or director [feminine] and their substitutes, as well as the members, in accordance with the Constitution and the laws that govern the matter. The number of Aldermen and their substitutes will be determined by the law, in proportion to the number of inhabitants, without there being in any case less than five for the National District and the municipalities, and never less than three for the

municipal districts. They will be elected every four years by the people of their jurisdiction in the form the law establishes.

### **Paragraph III**

The naturalized persons with more than five years of residence in one jurisdiction can perform such offices, within the conditions that the law prescribes.

### **Article 202. Local representatives**

The mayors [masculine] or mayors [feminine] of the National District, of the municipalities, as well as the [feminine and masculine] directors of the municipal districts are the legal representatives of the town councils and of the municipal boards. Their attributions and faculties will be determined by the law.

## **SECTION III. DIRECT MECHANISMS OF LOCAL PARTICIPATION**

### **Article 203. Referendum, plebiscites, and the municipal normative initiative**

The Organic Law of the Local Administration will establish the scope, requirements and conditions for the exercise of the referendum, the plebiscite and the municipal normative initiative with the goal of strengthening the development of democracy and the local administration.

## **CHAPTER III. OF THE DECENTRALIZED ADMINISTRATION**

### **Article 204. Transfer of competences to the municipalities**

The State will favor the transfer of competences and resources towards the local governments, in accordance with this Constitution and the law. The implementation of these transfers will give rise to policies of institutional development, and of training and professionalism of the human resources.

### **Article 205. Municipal budgetary execution**

The town councils of the National District, of the municipalities and the boards of the municipal districts will be obligated, in the formulation as well as in the execution of their budgets, to formulate, to approve and to maintain the appropriations and the distributions allocated to each class of attentions and services, in accordance with the law.

### **Article 206. Participative budgets**

The investment of the municipal resources will be made hard through the progressive development of participative budgets that favor integration and citizen co-responsibility in the definition, execution and control of the policies of local development.

### **Article 207. Economic obligation of the municipalities**

The economic obligations contracted by the municipalities, including those that have the endorsement of the State, are of their responsibility, in accordance with the limits and conditions established by the law.

## **TITLE X. OF THE ELECTORAL SYSTEM**

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- Municipal government

- Municipal government

## CHAPTER I. OF THE ELECTORAL ASSEMBLIES

- Restrictions on voting

### Article 208. Exercise of suffrage

The exercise of suffrage to elect the authorities of government and to participate in referendums, is a right and a duty of the citizens [feminine] and of the citizens [masculine]. The vote is personal, free, direct and secret. Nobody can be obligated or coerced, under any pretext, in the exercise of their right of suffrage or to reveal their vote.

- Secret ballot

### Paragraph

The members of the Armed Forces and of the National Police, or those who have lost their rights of citizenship or are found suspended in regards to those rights, do not have the right of suffrage.

- Restrictions on the armed forces

### Article 209. Electoral assemblies

The electoral assemblies will function in electoral colleges that will be organized in accordance with the law. The electoral colleges will open every four years to elect the President or Vice-President of the Republic, the legislative representatives, the municipal authorities and the other elective functionaries or representatives. These elections will be celebrated in a separate and independent manner. Those for the president, vice-president and legislative and parliamentary representatives of international organs, on the third Sunday of the month of May, and those for municipal authorities, on the third Sunday of the month of February.

- Scheduling of elections

- First chamber selection
- Second chamber selection
- Head of state selection

1. When, in the elections celebrated to elect the President of the Republic and Vice-President, none of the candidatures obtains at least more than half of the votes validly emitted, a second election will be conducted on the last Sunday of the month of June of the same year. In this final election only the two candidatures that received the greatest number of votes will participate, and the candidature that obtains the greatest number of votes validly emitted will be considered as the winner.
2. The elections will be celebrated in accordance with the law and with representation of the minorities when there are two or more candidates to be elected;
3. In the cases of extraordinary convocation and referendum, the electoral assemblies will meet at the latest seventy days after the publication of the law of convocation. The election of authorities cannot coincide with the celebration of the referendum.

- Referenda

### Article 210. Referendums

The popular consultations by means of a referendum will be regulated by a law that will determine all of what is relative to its celebration, in accordance with the following conditions:

1. They cannot concern the approval or revocation of the mandate of any elected or appointed authority;
2. They will require prior congressional approval with the vote of the two-thirds part of those present in each chamber.

## CHAPTER II. OF THE ELECTORAL ORGANS

- Electoral commission

### Article 211. Organization of the Elections

The elections will be organized, directed and supervised by the Central Electoral Board and the electoral boards under its dependency, which have the responsibility of guaranteeing the freedom, transparency, equality and objectivity of the elections.

- Electoral commission

## SECTION I. OF THE CENTRAL ELECTORAL BOARD

### Article 212. The Central Electoral Board

The Central Electoral Board is an autonomous organ with juridical personality and technical, administrative, budgetary and financial independence, with the main objective of organizing and directing the electoral assemblies for the celebration of the elections and of the mechanisms of popular participation established by this Constitution and the laws. It has a regulatory faculty in the matters of its competence.

#### Paragraph I

The Central Electoral Board will be integrated by a president and by four members and their substitutes, elected for a period of four years by the Senate of the Republic, with the vote of the two-thirds part of the senators present.

#### Paragraph II

The Civil Registry and the Identity and Electoral Card will be dependents of the Central Electoral Board.

#### Paragraph III

During the elections the Central Electoral Board will assume the direction and the mandate of the public force, in accordance with the law.

#### Paragraph IV

The Central Electoral Board will see to it that the electoral processes are conducted subject to the principles of freedom and equality in the development of the campaigns, and transparency in the use of financing. In consequence, it will have the faculty to regulate the times and limits in the expenses of the campaign, as well as the equitable access to the means of communication.

### Article 213. Electoral boards

In the National District and in each municipality there will be an Electoral Board with administrative and contentious functions. In administrative matters they will be subordinated to the Central Electoral Board. Within contentious matters their decisions are appealable before the Superior Electoral Tribunal, in accordance with the law.

## SECTION II. OF THE SUPERIOR ELECTORAL TRIBUNAL

### Article 214. The Superior Electoral tribunal

The Superior Electoral Tribunal is the organ competent to judge and decide with definitive character concerning the electoral disputes and also to decide concerning the disputes that arise within the political parties, groups and movements or between them. It will regulate, in accordance with the law, the procedures of its competence and all of what is relative to its organization and administrative and financial functioning.

### Article 215. Integration

The Tribunal will be integrated by no less than three and no more than five electoral judges and their substitutes, who will be appointed for a period of four years by the National Council of the Magistrature, which will indicate who among them will occupy the presidency.

## CHAPTER III. OF THE POLITICAL PARTIES

- Campaign financing

- Electoral court powers

- Electoral court term length
- Electoral court selection

- Restrictions on political parties
- Right to form political parties

## Article 216. The Political Parties

The organization of the political parties, groups and movements is free, subject to the principles established in this Constitution. Their conformation and functioning must be based in the respect for internal democracy and for transparency, in accordance with the law. Their essential goals are to:

1. Guarantee the participation of citizens [masculine] and of citizens [feminine] in the political processes that contribute to the strengthening of democracy;
2. Contribute, in equality of conditions, to the formation and manifestation of the will of the citizens, respecting political pluralism through the proposal of candidatures for the offices of popular election;
3. Serve the national interest, the collective well being and the integral development of the Dominican society.

# TITLE XI. OF THE ECONOMIC AND FINANCIAL REGIME AND OF THE CHAMBER OF ACCOUNTS

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## CHAPTER I. OF THE ECONOMIC REGIME

### SECTION I. GUIDING PRINCIPLES

#### Article 217. Orientation and foundation

The economic regime is oriented towards the search for human development. It is founded in economic growth, the redistribution of wealth, social justice, equality, social and territorial cohesion and environmental sustainability, within a framework of free competition, equality of opportunities, social responsibility, participation and solidarity.

#### Article 218. Sustainable growth

Private initiative is free. The State will procure, together with the private sector, a balanced and sustainable growth of the economy, with price stability, tending to provide full employment and to increase the social well being, thorough the rational use of the available resources, the permanent formation of the human resources and with scientific and technological development.

#### Article 219. Private initiative

The State will encourage the economic private initiative, creating the policies necessary to promote the development of the country. Under the principle of subsidiarity the State, on its own account or in association with the private sector and severally, can exercise business activity with the goal of assuring the access of the population to basic goods and services and to promote the national economy.

#### Paragraph

When the State transfers its participation in one company, it can take the measures leading to democratizing the title of its shares and will offer to its workers, to the organizations of solidarity and of workers, special conditions to accede to such stock property. The law will regulate the matter.

- Reference to fraternity/solidarity
- Right to competitive marketplace
- Mentions of social class
- Protection of environment

- Reference to science

- Reference to fraternity/solidarity

- International law

## **Article 220. Subjection to the juridical order**

In any contract of the State and of the persons of Public Law with foreign physical or juridical persons domiciled in the country, the subjection of these to the laws and jurisdictional organs of the Republic must be stated. However, the State and the other persons of Public Law can submit the disputes derived from the contractual relation to jurisdictions constituted by virtue of international treaties in force. They can also submit them to national or international arbitration, in accordance with the law.

## **Article 221. Equality of treatment**

Business activity, public or private, receives the same legal treatment. The equality of conditions of national or foreign investment is guaranteed, with the limitations established in this Constitution and the laws. The law may concede special treatments to investments that are located in zones of a lesser degree of development or in activities of national interest, in particular those situated in the border provinces.

## **Article 222. Promotion of popular economic initiatives**

The State recognizes the support of the popular economic initiatives of the development of the country; it encourages the conditions of integration of the informal sector in the national economy; it encourages and protects the development of the micro, small and medium business, the cooperatives, the family businesses and other forms of communitarian association for work, production, savings and consumption, that generate conditions which allow them to accede to financing, technical assistance and timely training.

- Central bank

## **SECTION II. OF THE MONETARY AND FINANCIAL REGIME**

### **Article 223. Regulation of the monetary and financial system**

The regulation of the monetary and financial system of the Nation corresponds to the Monetary Board as the superior organ of the Central Bank.

### **Article 224. Integration of the Monetary Board**

The Monetary Board is integrated by no more than nine members including the Governor of the Central Bank, who presides over it, and the members ex-officio, of which the number will not be greater than three.

### **Article 225. The Central Bank**

The Central Bank of the Republic is an entity of Public Law with juridical personality, its own patrimony and with functional, budgetary and administrative autonomy.

### **Article 226. Designation of the monetary authorities**

The Governor of the Central Bank and the members of direct designation of the Monetary Board will be appointed by the Executive Power, in accordance with the law. During the time of their designation they may only be removed for the causes provided for in it.

### **Article 227. Direction of the monetary policies**

The Monetary Board, represented by the Governor of the Central Bank, will have at its responsibility the direction and adequate application of the monetary, exchange and financial policies of the Nation and the coordination of the regulatory entities of the financial system and of the financial market.

### **Article 228. Issuance of bills and coins**

The Central Bank, of which the capital is property of the State, is the only issuer of the bills and coins of national circulation and has as its objective to see to the stability of



prices.

### **Article 229. National monetary unit**

The national monetary unit is the Dominican Peso.

### **Article 230. Legal force and tender of the monetary unit**

The bills issued, and the coins minted, by the Central Bank will be the only ones of legal circulation and tender, under the unlimited guarantee of the State and in the proportions and conditions that the law specifies.

### **Article 231. Prohibition of the issuance of monetary signs**

The issuance of monetary paper or other monetary sign that is not authorized by this Constitution is prohibited.

### **Article 232. Modification of the currency or banking regime**

By exception to what is established in Article 112 of this Constitution, the modification of the legal regime of the currency or of banking, will require the support of the two-thirds part of the total number of the members of one and the other legislative chamber, unless having being initiated by the Executive Power, at a proposal of the Monetary Board or with the favorable vote of it, in which case it will be governed by the provisions relative to the organic laws.

## **CHAPTER II. OF THE PUBLIC FINANCES**

### **SECTION I. OF THE GENERAL BUDGET OF THE STATE**

#### **Article 233. Preparation of the budget**

The preparation of the Bill of the Law of the General Budget of the State corresponds to the Executive Power, which contemplates the probable incomes, the proposed expenses and the financing required, conducted within a framework of fiscal sustainability, and assuring that the public indebtedness is compatible with the capacity for payment of the State.

#### **Paragraph**

In this Bill will be allocated in an individualized manner the assignments that correspond to the different institutions of the State.

#### **Article 234. Modification of the budget**

The Congress can include new elements and modify those that appear in the Bill of the Law of the General Budget of the State or in the Bills of law that distribute funds submitted by the Executive Power, with the vote of the two-thirds part of those present in each legislative chamber.

#### **Paragraph**

Once the Law of the General Budget of the State has been voted on, the budgeted resources of one institution may not be transferred to another unless by virtue of a law that, when not initiated by the Executive Power, must have the vote of the two-thirds part of those present in each legislative chamber.

#### **Article 235. Majority of exception**

The National Congress can modify the Bill of the Law of the General Budget of the State, when it is submitted after the date that is referred to in Article 128, numeral 2), literal g), with the absolute majority of the members of the registry of members in each chamber.

- Budget bills
- Balanced budget

### **Article 236. Validity of distribution**

No distribution of public funds will be valid, if it has not been authorized by the law and ordered by a competent functionary.

### **Article 237. Obligation to identify sources**

The law that orders, authorizes a payment or engenders a pecuniary obligation to the charge of the State will neither have validity nor effect, except when that same law identifies or establishes the resources necessary for its execution.

### **Article 238. Criteria for the allocation of the public spending**

It corresponds to the State to conduct an equitable allocation of the public spending in the territory. Its planning, programming, execution and evaluation shall respond to the principles of subsidiarity and transparency, as well as for the criteria of efficiency, priority and economy.

### **Article 239. Validity of the Law of the Budget**

When Congress has not approved the Bill of the Law of the General Budget of the State by December 31st at the latest, the Law of the General Budget of the State of the previous year will govern, with the adjustments set forth in the Organic Law of the Budget, until its approval is produced.

### **Article 240. Publication of the general account**

Annually, in the month of April, the general account of incomes and expenditures of the Republic conducted during the year, will be published.

## **SECTION II. OF PLANNING**

- Economic plans

### **Article 241. Strategy of development**

The Executive Power, with prior consultation of the Economic and Social Council and with the political parties, will prepare and submit to the National Congress a strategy of development, which will define the vision of the Nation for the long term. The process of planning and public investment will be governed by the corresponding law.

- Economic plans

### **Article 242. Multi-Annual National Plan**

The Multi-Annual National Plan of the Public Sector and its corresponding updates will be remitted to the National Congress by the Executive Power, during the second legislature of the year in which the period of government is initiated, with prior consultation of the Council of Ministers, to take cognizance of the programs and projects to be executed during its term. The results and impacts of its execution will be conducted within a framework of fiscal sustainability.

## **SECTION III. OF TAXES ITRIBUTACIONI**

### **Article 243. Principles of the tax regime**

The tax regime is based on the principles of legality, justice, equality and equity so that any citizen [masculine] or citizen [feminine] can comply with the maintenance of the public expenses.

### **Article 244. Tax exemptions and transfer of rights**

Individuals can only acquire, through concessions authorized by the law or contracts approved by the National Congress, the right to benefit, throughout the entire time stipulated by the concession or the contract and fulfilling the obligations imposed on them by one or the other, from exemptions, exonerations, reductions or limitations in taxes, contributions or fiscal or municipal rights, that arise from specific works or

businesses so made as to attract the investment of new capital for the promotion of the national economy or for any other objective of social interest. The transfer of the rights granted by means of contracts will be subject to ratification on the part of the National Congress.

## **CHAPTER III. OF THE CONTROL OF PUBLIC FUNDS**

### **Article 245. System of accounting**

The Dominican State and all of its institutions, whether autonomous, decentralized or not, will be governed by a unique, uniform, integrated and harmonized system of accounting, of which the criteria will be established by the law.

### **Article 246. Control and supervision of the public funds**

The control and the supervision over the patrimony, the incomes, expenses and use of the public funds will be conducted by the National Congress, the Chamber of Accounts, and the Office of the General Controller of the Republic, within the framework of their corresponding competences, and for the society through the mechanisms established by the law.

## **SECTION I. OF THE OFFICE OF THE GENERAL CONTROLLER OF THE REPUBLIC**

### **Article 247. Internal control**

The Office of the General Controller of the Republic is the organ of the Executive Power that guides the internal control, it exercises the internal supervision and the evaluation of the due collection, management, use and investment of the public resources and authorizes the orders of payment, with prior verification of the compliance with the legal and administrative procedures, of the institutions within its scope, in accordance with the law.

## **SECTION II. OF THE CHAMBER OF ACCOUNTS**

### **Article 248. External control**

The Chamber of Accounts is the superior external organ of fiscal control of the public resources, of the administrative processes and of the patrimony of the State. It has juridical personality, technical character and enjoys administrative, operative and budgetary autonomy. It will be composed of five members, elected by the Senate of the Republic from the ternas presented to it by the Chamber of Deputies, for a period of four years and they will remain in their functions until their substitutes are appointed.

### **Article 249. Requirements**

To be the member of the Chamber of Accounts it is required to be a Dominican [masculine] or Dominican [feminine] in full exercise of civil and political rights, to be of recognized ethical and moral solvency, to have reached the age of thirty years old, to be accredited with a university degree and to be enabled for professional exercise of the career, preferably in the areas of accounting, finance, economics, law or related areas, and the other conditions determined by the law.

### **Article 250. Attributions**

Its attributions will be, aside from those conferred by the law:

1. To examine the general and particular accounts of the Republic;
2. To present to the National Congress the reports concerning the supervision of the patrimony of the State;
3. To audit and analyze the execution of the General Budget of the State approved every year by the National Congress, taking as a base the state of the collection

3. and investment of the incomes presented by the Executive Power, in accordance with the Constitution and the laws, and to submit the corresponding report to it on April 30th of the following year at the latest, for its cognizance and decision.
4. To issue norms of obligatory character for the inter-institutional coordination of the organs responsible for the control and audit of the public resources.
5. To conduct special investigations at the requirement of one or both of the legislative chambers.

## CHAPTER IV. OF THE SOCIAL COMPACT ICONCERTACION SOCIALI

- Advisory bodies to the head of state

### Article 251. Economic and Social Council

The social compact is an essential instrument to assure the organized participation of employers, workers and other organizations of the society in the permanent construction and strengthening of social peace. In order to promote it there will be an Economic and Social Council, a consultative organ of the Executive Power in economic, social and labor matters, of which the conformation and functioning will be established by the law.

## TITLE XII. OF THE ARMED FORCES, OF THE NATIONAL POLICE AND OF SECURITY AND DEFENSE

### CHAPTER I. OF THE ARMED FORCES

#### Article 252. Mission and character

The defense of the Nation is the responsibility of the Armed Forces. As such:

1. Its mission is to defend the independence and sovereignty of the Nation, the integrity of its geographic spaces, the Constitution and the institutions of the Republic;
2. They can, as well, intervene when so ordered by the President of the Republic in programs destined to promote the social and economic development of the country, to mitigate situations of public disaster and calamity, and to assist as auxiliary of the National Police to maintain or reestablish the public order in exceptional cases;
3. They are essentially obedient to the civil power, nonpartisan and do not have the faculty, in any case, of deliberating.

- Restrictions on the armed forces

#### Paragraph

The custody, supervision and control of all the arms, munitions and other military equipment; war materiel and equipment that enters the country or that is produced by the national industry, corresponds to the Armed Forces, with the restrictions established by the law.

- Selection of active-duty commanders

#### Article 253. Military career

The entrance, appointment, promotion, retirement and other aspects of the regime of the military career of the members of the Armed Forces will be conducted without any discrimination, in accordance with its organic law and the complementary laws. The reinstatement of its members is prohibited, with exception in the cases in which the dismissal or retirement has been conducted in violation of the Organic Law of the Armed

Forces, with prior investigation and recommendation by the corresponding ministry, in accordance with the law.

- Establishment of military courts

### **Article 254. Competence of the military jurisdiction and the disciplinary regime**

The military jurisdiction alone has competence to take cognizance of the military infractions set forth in the laws concerning the matter. The Armed Forces will have a disciplinary regime applicable to those faults that do not constitute infractions of the military penal regime.

## **CHAPTER II. OF THE NATIONAL POLICE**

### **Article 255. Mission**

The National Police is an armed corps, technical, professional, of policing nature, under the authority of the President of the Republic, obedient to the civil power, nonpartisan and without faculty, in any case, of deliberating. The National Police has as its mission:

1. To safeguard the security of the citizenry;
2. To prevent and control crimes;
3. To prosecute and investigate the penal infractions, under the legal direction of the competent authority;
4. To maintain the public order to protect the free exercise of the rights of persons and of peaceful coexistence in accordance with the Constitution and the laws.

### **Article 256. Police career**

The entrance, appointment, promotion, retirement and other aspects of the regime of the police career of the members of the National Police will be conducted without any discrimination, in accordance with its organic law and complementary laws. The reinstatement of its members is prohibited, with exception of the cases in which the dismissal or retirement has been conducted in violation of the Organic Law of the National Police, with prior investigation and recommendation by the corresponding ministry, in accordance with the law.

### **Article 257. Competence and the disciplinary regime**

The police jurisdiction alone has competence to take cognizance of the police infractions set forth in the laws concerning the matter. The National Police will have a disciplinary regime applicable to those faults that do not constitute infractions of the police penal regime.

## **CHAPTER III. OF THE SECURITY AND DEFENSE**

- Advisory bodies to the head of state

### **Article 258. Council of Security and National Defense**

The Council of Security and National Defense is a consultative organ that advises the President of the Republic in the formulation of the policies and strategies concerning this matter and in any other matter that the Executive Power submits to its consideration. The Executive Power will regulate its composition and functioning.

### **Article 259. Defensive character**

The Armed Forces of the Republic, in the development of their mission, will have an essentially defensive character, without prejudice to what is provided for in Article 260.

### **Article 260. Objectives of high priority**

The following constitute objectives of high national priority:

1. To combat transnational criminal activities that endanger the interests of the Republic and of its inhabitants;
2. To organize and sustain efficient systems that prevent or mitigate the damages caused by natural and technological disasters.

### **Article 261. Bodies of public security or of defense**

The National Congress, at the request of the President of the Republic, can provide for, when so required by the national interest, the formation of permanent bodies of public security or of defense with participants from the Armed Forces and the National Police who will be subordinated to the ministry or institution within the scope of its respective competences by virtue of the law. The system of intelligence of the State will be regulated by law.

- Emergency provisions

## **TITLE XIII. OF THE STATES OF EXCEPTION**

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### **Article 262. Definition**

States of exception are considered those extraordinary situations that gravely affect the security of the Nation, of the institutions and of persons, when confronted by which the ordinary faculties are insufficient. The President of the Republic, with the authorization of the National Congress, can declare the states of exception in these three modalities: State of Defense, State of Internal Commotion and State of Emergency.

### **Article 263. State of Defense**

In case the national sovereignty or the territorial integrity are placed in grave and imminent danger due to external armed aggressions, the Executive Power, without prejudice to the faculties inherent to its office, can solicit from the National Congress the declaration of the State of Defense. During this state the following cannot be suspended:

1. The right to life, in accordance with the provisions of Article 37;
2. The right to personal integrity, in accordance with the provisions of Article 42;
3. The freedom of conscience and of belief, in accordance with the provisions of Article 45;
4. The protection of the family, in accordance with the provisions of Article 55;
5. The right to one's name, in accordance with the provisions of Article 55, numeral 7;
6. The rights of children, in accordance with the provisions of Article 56;
7. The right to nationality, in accordance with the provisions of Article 18;
8. The rights of citizenship, in accordance with the provisions of Article 22;
9. The prohibition of slavery and servitude, in accordance with the provisions of Article 41;
10. The principle of legality and of non-retroactivity, in accordance with what is established in Article 40, numerals 13) and 15);
11. The right to the recognition of juridical personality, in accordance with the provisions of Articles 43 and 55, numeral 7);

12. The judicial, procedural and institutional guarantees indispensable for the protection of these rights, in accordance with the provisions of Articles 69, 71 and 72.

## **Article 264. State of Internal Commotion**

The State of Internal Commotion can be declared in all or in part of the national territory, in cases of grave disturbance of the public order that infringe in an imminent manner the institutional stability, the security of the State or the coexistence of the citizenry, and that cannot be averted through the use of the ordinary attributions of the authorities.

## **Article 265. State of Emergency**

The State of Emergency can be declared when events different from those specified in Articles 263 and 264 occur that disturb or threaten to disturb in a grave and imminent form the economic, social, and environmental order of the country, or that constitute public calamity.

## **Article 266. Regulatory provisions**

The states of exception will be subject to the following provisions:

1. The President must obtain the authorization of the Congress to declare the corresponding state of exception. If the Congress is not meeting, the President can declare it, which will give rise to the immediate convocation of it, so that it may decide in that regard.
2. While the state of exception remains, the Congress will meet with the plenitude of its attributions and the President of the Republic will report to it in a continuous form concerning the provisions that have been taken and the evolution of the events;
3. All of the authorities of elective character maintain their attributions during the validity of the states of exception;
4. The states of exception do not exempt compliance with the law and the responsibilities of the authorities and the other servants of the State;
5. The declaration of the states of exception and the acts adopted during them will be subject to constitutional control;
6. In the States of Internal Commotion and of Emergency, only the following rights recognized by this Constitution may be suspended:
  - a. Remission to prison, in accordance with the provisions of Article 40, numeral 1);
  - b. Deprivation of liberty without cause or without the legal formalities, as set forth in Article 40, numeral 6);
  - c. Times for the submission to the judicial authority or to be set free, established in Article 40, numeral 5);
  - d. The transfer from prison facilities to other places, as established in Article 40, numeral 12);
  - e. The presentation of detainees, established in Article 40, numeral 11);
  - f. That concerning habeas corpus, regulated in Article 71;
  - g. The inviolability of the domicile and of private premises, as set forth in Article 44, numeral 1);
  - h. The freedom of transit, set forth in Article 46;

- 6.
  - i. The freedom of expression, in the terms established by Article 49;
  - j. The freedoms of association and of meeting, established in Articles 47 and 48;
  - k. The inviolability of correspondence, established in Article 44, numeral 3).
- 7. As soon as the causes that gave rise to the state of exception have ceased, the Executive Power will declare the lifting of it. The National Congress, the causes that gave rise to the state of exception having ceased, will provide for its lifting if the Executive Power fails to do so.

- Constitution amendment procedure

## TITLE XIV. OF THE CONSTITUTIONAL REFORMS

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### CHAPTER I. OF THE GENERAL NORMS

#### Article 267. Constitutional reform

The reform of the Constitution can only be made in the form indicated in it and can never be suspended or annulled by any power or authority, or by popular acclamations.

- Unamendable provisions

#### Article 268. Form of government

No modification to the Constitution can concern the form of government that must always be civil, republican, democratic and representative.

#### Article 269. Initiative of constitutional reform

This Constitution can be reformed if the proposal for reform is presented in the National Congress with the support of the third part of the members of one or the other chamber, or if it is submitted by the Executive Power.

### CHAPTER II. OF THE NATIONAL REVISORY ASSEMBLY

#### Article 270. Convocation for the National Revisory Assembly

The need for the constitutional reform shall be declared by a law of convocation. This law, which cannot be the object of observations by the Executive Power, will order the meeting of the National Revisory Assembly, it will contain the object of the reform and will indicate the one or the several Articles of the Constitution which it concerns.

#### Article 271. Quorum of the National Revisory Assembly

In order to resolve with regards to the proposed reform, the National Revisory Assembly will meet within the fifteen days following the publication of the law that declares the need for the reform, with the presence of more than half of the members of each one of the chambers. Their decision will be taken by the majority of the two-thirds part of the votes. The constitutional reform cannot be initiated in case of the validity of any of the states of exception set forth in Article 262. Once the reform has been voted and proclaimed by the National Revisory Assembly, the Constitution will be published in its entirety with the reformed texts.

#### Article 272. Approbatory referendum

When the reform concerns the rights, fundamental guarantees and duties, the territorial and municipal order, the regimes of nationality, citizenship and foreigners, the regime of the currency, and concerning the procedures of reform instituted in this Constitution, it

- Referenda



will require for ratification the majority of the citizens [masculine] and citizens [feminine] with electoral right, in an approbatory referendum convoked to such effect by the Central Electoral Board, once it has been voted and approved by the National Revisory Assembly.

### Paragraph I

The Central Electoral Board will submit to referendum the reforms within sixty days following its formal reception.

### Paragraph II

The approval of the reforms to the Constitution by way of referendum requires more than half of the votes of the voters and that the number thereof exceeds thirty percent (30%) of the total number of citizens [masculine] and of citizens [feminine] that integrate the Electoral Registry, the total being the voters that express themselves either for the "YES" or for the "NO".

### Paragraph III

If the result of the referendum should be affirmative, the reform will be proclaimed and published in its entirety with the reformed texts by the National Revisory Assembly.

- Transitional provisions

## TITLE XV. GENERAL AND TRANSITORY PROVISIONS

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### CHAPTER I. GENERAL DISPOSITIONS

#### Article 273. Grammatical genres

The grammatical genres that are adopted in the edition of the text of this Constitution do not signify, in any way, a restriction to the principle of equality of the rights of the woman and the man.

#### Article 274. Constitutional period of elective functionaries

The elective exercise of the President and of the Vice-President of the Republic, as well as of the legislative and parliamentarians of international organs, will terminate uniformly on the day of August 16th of every four years, a date that marks the beginning of the corresponding constitutional period, with the exceptions set forth in this Constitution.

- Head of state term length
- Term length of second chamber
- Term length for first chamber

#### Paragraph I

The municipal authorities elected the third Sunday of February of every four years will take possession on April 24th of the same year.

#### Paragraph II

When an elective functionary ceases in the exercise of an office due to death, resignation, disqualification or other cause, the person who will substitute for him will remain in the exercise of the office until completing the period.

#### Article 275. Period of the functionaries of constitutional organs

The members of the constitutional organs, after the expiration of the period of the mandate for which they were appointed, will remain in their offices until the taking of possession of those who will substitute them.

- Scheduling of elections

- Oaths to abide by constitution

### **Article 276. The oath of the appointed functionaries**

The person appointed to exercise a public function must take an oath to respect the Constitution and the laws, and to loyally perform the duties of his office. This oath will be taken before the competent public functionary or official.

### **Article 277. Decisions with authority of an irrevocably judged matter**

All of the judicial decisions that have acquired the authority of an irrevocably judged matter, especially those dictated in exercise of the direct control of the constitutionality by the Supreme Court of Justice, from the moment of the proclamation of this Constitution, cannot be examined by the Constitutional Tribunal and those subsequent will be subject to the procedure determined by the law that governs the matter.

- Transitional provisions

## **CHAPTER II. OF THE TRANSITORY PROVISIONS**

### **First**

The Council of the Judicial Power shall be created within the six months subsequent to the entry into force of this Constitution.

### **Second**

The Constitutional Tribunal, established in this Constitution, shall be integrated within the twelve months following the entry into force of it.

### **Third**

The Supreme Court of Justice will maintain the functions attributed by this Constitution to the Constitutional Tribunal and to the Council of the Judicial Power until these instances have been integrated.

### **Fourth**

The current judges of the Supreme Court of Justice, that do not remain in retirement for reason of having reached seventy-five years of age, will be submitted to a evaluation of performance by the National Council of the Magistrature, which will decide concerning their confirmation.

### **Fifth**

The Superior Council of the Public Ministry will perform the functions established in this Constitution within six month following the entry into force of it.

### **Sixth**

The existing Administrative and Tax Contentious Tribunal will proceed to become the Superior Administrative Tribunal created by this Constitution. The Supreme Court of Justice will provide for the administrative measures necessary for its adaptation, until the Council of the Judicial Power is integrated.

### **Seventh**

The current members of the Central Electoral Board will remain in their functions until the conformation of the new organs created by this Constitution and the appointment of its incumbents.

### **Eighth**

The provisions relative to the Central Electoral Board and the Superior Electoral Tribunal established in this Constitution will enter into force from the new integration that will be produced in the period that starts on August 16th of the year 2010.

Exceptionally, the members of these electoral organs will exercise their mandate until August 16th of 2016.

### **Ninth**

The procedure of appointment that is established in this Constitution for the members of the Chamber of Accounts will govern from August 16th of the year 2010. Exceptionally, the members of this organ will remain in their offices until 2016.

### **Tenth**

The provisions contained in Article 272 relative to the approbatory referendum, by exception, are not applicable to this constitutional reform.

### **Eleventh**

The laws made the objects of observations by the Executive Power, that have not been decided by the National Congress at the moment of the entry into force of this Constitution, shall be sanctioned in the two ordinary legislatures following the proclamation of this Constitution. After this time, these will be considered as not having been initiated.

### **Twelfth**

All the authorities elected by means of direct vote in the congressional and municipal elections of the year 2010, exceptionally, will remain in their functions until August 16th of 2016.

### **Thirteenth**

The deputies [masculine] and deputies [feminine] to be elected in representation of the Dominican communities abroad will be elected, exceptionally, on the third Sunday of May of the year 2012 for a period of four years.

### **Fourteenth**

By exception, the electoral assemblies to elect the municipal authorities will be celebrated in the year 2010 and 2016 on the third Sunday of May.

### **Fifteenth**

The contracts pending decision, deposited in the National Congress at the moment of the approval of the provisions contained in Article 128, numeral 2), literal d), of this Constitution, will exhaust the legislative procedures set forth in the Constitution of the year 2002.

### **Sixteenth**

The law that will regulate the general organization and administration of the State will provide for what is relative to the ministries referred to by Article 134 of this Constitution. This law must enter into force on October 2011 at the latest, with the objective of the new provisions being incorporated into the General Budget of the State for the following year.

### **Seventeenth**

What is set forth in this Constitution for the preparation and approval of the Law of the General Budget of the State will enter into full force from January the first of 2010, in such a form that for 2011 the country will have a budget according to what is established in this Constitution.

## **Eighteenth**

The budgetary provisions for the implementation of the organs that are created in this Constitution must be contained in the budget for 2010, in a manner to assure their full entry into force in the year 2011.

## **Nineteenth**

To guarantee the gradual renovation of the member registry of the Constitutional Tribunal, by exception to what is set forth in Article 187, its first thirteen members will be substituted in three groups, two of four and one of five, in the sixth, ninth and twelfth years of exercise of the functions, respectively, through a random procedure. The first four exiting judges, by exception, can be considered for a unique new period.

## **FINAL PROVISION**

### **Final provision**

This Constitution will enter into force starting from its proclamation by the National Assembly and its full and immediate publication is ordered.

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