







Permanent Mission of the Dominican Republic to the United Nations Office at the United Nations and other international organizations in Geneva, Switzerland.

NVMPRD-ONU-GI-0079 -2023

Geneva, April 14, 2023.

Mr. Special Rapporteur,

I am writing to you in connection with the call for contributions from States for the report on how to develop specific technical and practical tools to assist law enforcement agencies in promoting and protecting human rights in the context of peaceful protests, to be submitted to the SSQ session of the Human Rights Council.

In this regard, I am enclosing a document containing the Dominican Republic's contributions to your report.

I take this opportunity to express to you my feelings of high consideration.

imbajador, Representante Permanent

Mr.

Clement Nyaletsossi Voule Special Rapporteur on the rights to freedom of peaceful assembly and of association.



VPEM-DDHH

Santo Domingo, D.N. March 15, 2023.

REPORT OF THE DOMINICAN REPUBLIC TO THE SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION.

Introduction:

The present report contains the answers to the Special Rapporteur's questions on the rights to freedom of peaceful assembly and of association, with input from the Office of the Attorney General of the Republic, the Human Rights Department of the Public Prosecutor's Office and the Human Rights Directorate of the Ministry of Foreign Affairs.

Existing national legal framework and guidelines related to the promotion and protection by law enforcement of human rights while facilitating peaceful protests.

- 1. How can existing tools, standards and protocols relating to the facilitation of peaceful assemblies be improved to help improve law enforcement's ability to facilitate assemblies, including protests, in full compliance with international human rights standards and norms?
- 2. What provisions-; rules or procedures exist to assist law enforcement in reviewing requests for notification of assembly, and to ensure that any existing authorization or notification requirements are non-discriminatory and do not unduly restrict the exercise of the right to peaceful assembly, including spontaneous protests?

In the Dominican Republic there are laws, rules, regulations and operating procedures related to the facilitation and policing of assemblies and protests.

In the field of international law, the country is a signatory of the Universal Declaration of Human Rights (UDHR), which states that: "Everyone has the right to freedom of peaceful assembly and association". We also invoke article 21 of the International Covenant on Civil and Political Rights (ICCPR), which provides that: "Everyone has the right to freedom of peaceful assembly and association". International Covenant on Civil and Political Rights (ICCPR) which provides that: "The right of peaceful assembly is recognized. The exercise of this right may be subject only to such restrictions as are prescribed by law and are necessary in a democratic society in the interests of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others".

On the other hand, the Dominican Constitution establishes, in Articles 48, 49 and 255, the following:

Article 48.- Freedom of assembly. Every person has the right to assemble, without prior permission, for lawful and peaceful purposes, in accordance with the law.

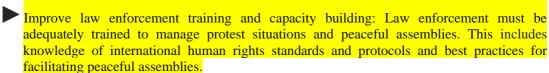
Freedom of expression and information. Every person has the right to freely express his thoughts, ideas and opinions, by any means, without prior censorship.

Article 255.- Mission of the National Police. The National Police is an armed, technical, professional body, of a police nature, under the authority of the President of the Republic, obedient to the civil power, non-partisan and without the power, in any case, to deliberate. The National Police has as its mission: Safeguard citizen security, prevent and control crimes, prosecute and investigate criminal offenses, under the legal direction of the competent authority and maintain public order to protect the free exercise of the rights of persons and peaceful coexistence in accordance with the Constitution and the laws.

The Organic Law of the National Police No. 590-16. has the purpose of establishing and regulating the organization, functioning and fundamental principles of the National Police, the rights, duties, career status, social security and disciplinary regime of its members. There is also the Regulation of Application of the National Police No. 20-22, which contains specific provisions and rules for the use of force, as well as the "Regulation on the use of force in the National Police", which was approved by mandate of the aforementioned law.

On the other hand, there is Law No. 5578 of 1961, which regulates any kind of public meeting or demonstration held in the country. In addition, there are other internal regulations and operating procedures of the National Police that establish protocols for the actions of agents in situations of protests and peaceful assemblies, including the regulation of the use of force, respect for human rights and the protection of property and public order.

There are a number of ways in which existing tools, standards and protocols can be improved to assist law enforcement in facilitating peaceful assemblies and protests in compliance with international human rights laws and standards. Some suggestions include:



Develop and implement clear and transparent protocols: Law enforcement should have clear and transparent protocols that establish procedures to be followed during peaceful assemblies and protests. This may include the use of personal protective equipment, crowd control and the use of force.

Establish open and effective channels of communication: Law enforcement should establish open and effective channels of communication with protest organizers and participants to facilitate dialogue and coordination. This can help prevent violence and confrontation.

Ensure accountability and transparency: Law enforcement should ensure accountability and transparency in their actions during peaceful assemblies and protests. This may include collecting and publishing data on the use of force, as well as investigating allegations of human rights violations.

Strengthen inter-institutional collaboration: Law enforcement agencies should collaborate with other institutions and organizations, including civil society organizations. and human rights bodies, to ensure respect for and protection of human rights during peaceful assemblies and protests.

In summary, to improve existing tools, standards and protocols related to the facilitation of peaceful assemblies and protests, it is necessary to focus on educating and training law enforcement, developing clear and transparent protocols, establishing open and effective communication channels, ensuring accountability and transparency, and strengthening inter-agency collaboration.

3. What are the main challenges and obstacles faced by law enforcement authorities in the Dominican Republic in facilitating and policing protests? What measures have been adopted and found to be effective in overcoming these challenges and effectively facilitating protests in accordance with international human rights law?

Police authorities in the Dominican Republic face a number of challenges and obstacles in facilitating and policing protests, including the following:

- Guarantee the safety of demonstrators and citizens in general, without using disproportionate force or violating the human rights of participants.
- Coordinate with the organizers of the demonstration to ensure order and security, without restricting the right to freedom of expression and peaceful assembly.
- Detect and prevent possible acts of violence or vandalism that may affect the safety of participants and citizens in general.
- Ensure that the actions of the forces of law and order are transparent and accountable, and that possible human rights violations that may occur during the management of the demonstration are investigated and sanctioned.

To overcome these challenges and effectively facilitate protests in accordance with international human rights law and standards, a number of measures have been adopted and considered, including the following:

There are practices and strategies that can help authorities enforce the law before, during and after protests. The following are some of these practices that have been used in different parts of the world:

Before the protests:

- Effective communication: Authorities must communicate clearly and effectively with each other. with the protest organizers to learn about the plans and objectives of the protest. demonstration. They should also inform the organizers of the relevant laws and regulations and the rights and responsibilities of the demonstrators.
- Planning and coordination: Authorities should plan and coordinate in advance for security and traffic in areas where protests will take place. This may include closing streets or assigning specific areas for protest.
- Training and preparation: Authorities should train their personnel in crowd control techniques, proper use of force, and crisis management. They should also be prepared to provide medical and legal assistance to the victims.

 protesters.

During the protests:

- Monitoring and evaluation: Authorities should monitor the situation in real time and constantly assess the level of danger and risk posed by the protest.
- Proportionality in the use of force: Authorities should use force only when necessary and in a proportionate manner. The use of force should be avoided eta! and non-violent means should be used to disperse the demonstrators.
- Dialogue: The authorities should establish a dialogue with the protestors to avoid conflicts and find peaceful solutions to the demands of the protest.

After the protests:

- Investigation and follow-up: Authorities should investigate any violent incidents and take action against those responsible. They should also follow up on those detained during the protest and ensure that their rights are respected.
- Evaluation and learning: Authorities should evaluate and analyze protest events to identify lessons learned and improve their future preparedness and response.

In terms of successful practices, there are several examples of strategies that have been effective in different parts of the world. For example, mediation has been used in some countries to resolve conflicts between protesters and authorities, leading to peaceful and sustainable solutions. It has also been shown that human rights training and constructive dialogue can help reduce violence during protests. In addition, the use of technology, such as surveillance cameras and drones, can help authorities monitor and control the situation during protests.

4. What are the different law enforcement agencies in the Dominican Republic involved in the policing of protests? Is there a specialized agency or entity responsible for the policing of protests? If not, who and how are decisions made to deploy a particular police entity to police a particular protest?

In the Dominican Republic, several security forces may participate in the policing of protests. Some of these security forces include:

- 1. National Police: The National Police is the main police force in the country, responsible for maintaining public safety and order throughout the Dominican territory. The National Police is the first to respond to protests and is usually present at protests.
- 2. Armed Forces of the Dominican Republic: The Armed Forces are responsible for protecting the sovereignty of the country and maintaining territorial integrity. On occasion, they may be called upon to assist the National Police in controlling protests and maintaining security.
- 3. Dirección General de Seguridad de Transito y Transporte Terrestre (DIGESETT): The DIGESETT is responsible for regulating traffic and land transportation in the country. It may also participate in the policing of protests in which traffic is affected.

It is important to emphasize that the participation of these security forces in the policing of protests must be governed by respect for the human rights and fundamental freedoms of citizens, as well as by the use of proportional and necessary force to maintain public order and security.

In the Dominican Republic, there is no specialized agency or entity exclusively responsible for the policing of protests. The responsibility falls on the different security bodies mentioned above, such as the National Police, the Armed Forces, the DIGESETT, depending on the specific circumstances of each protest.

There is also the Ministry of Interior and Police: The Ministry of Interior and Police is responsible for coordinating public policies for citizen security and crime prevention in the country. It can work in conjunction with the National Police to control protests. In addition, the Ministry of Interior and Police has established protocols and norms for the actions of the National Police in the control of protests, focused on respect for human rights and the use of proportional force.

In the Dominican Republic, the decision to deploy a police entity to monitor a given protest is the responsibility of the government authorities and the police forces in charge of maintaining public order.

Specifically, the National Police of the Dominican Republic is the institution in charge of maintaining public order and citizen security throughout the national territory. In that sense, the decision to deploy a police entity to monitor a protest is a decision that must be made by the police.

The process is based on a process of assessing the potential risks and threats associated with the protest, as well as consideration of the constitutional rights of protesters and applicable laws and regulations.

The decision-making process may involve an evaluation of intelligence gathered by law enforcement authorities and consideration of available resources and capabilities. In addition, the National Police can coordinate with other government agendas, such as the Ministry of Interior and Police, to ensure a comprehensive response to protest situations.

It is important to emphasize that, in the Dominican Republic, citizens have the right to freedom of expression and peaceful demonstration, in accordance with the Constitution and applicable laws. Therefore, the decision to deploy a police entity to monitor a protest must be based on the need to guarantee citizen security and public order, without undermining the constitutional rights of citizens.

5. What is the guidance for law enforcement regarding the facilitation and policing of protests in crisis situations?
What other strategies, tools and operational practices undertaken by police authorities before, during and after protests have been successful in ensuring respect for human rights in the context of protests in the face of crisis situations; and what lessons have

Guidance for law enforcement in relation to the facilitation and policing of protests in crisis situations may vary according to the country and jurisdiction, as well as the specific nature and context of the protest.

been learned?

In the Dominican Republic, our police forces have "The regulation on the use of force in the national police", which has as its main purpose to provide a strategic framework for our agents to comply with safeguarding and maintaining public order, integrity, rights and legal property of persons, preserve freedoms, public peace and prevent the commission of crimes.

Article 4 of the aforementioned regulation establishes that the application by members of the National Police of techniques, tactics and methods to guarantee the exercise of the rights of the people shall be in accordance with the provisions of the Constitution and the laws regulating the use of force, which must be continuous and gradual, ranging from presence as a dissuasive measure to the use of lethal force. However, there are certain international principles and standards that guide law enforcement practices in protest situations, especially in crisis situations.

The Universal Declaration of Human Rights and other international human rights instruments state that everyone has the right to freedom of expression, peaceful assembly and association. Therefore, law enforcement must protect and facilitate these rights rather than repress them. Furthermore, law enforcement must act with proportionality and avoid excessive use of force.

In crisis situations, such as riots or protest violence, law enforcement has a responsibility to ensure public safety and public order. However, policing should not be used as a pretext to restrict the right to freedom of expression and peaceful assembly.

The United Nations (UN) has established the "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" which guide the actions of law enforcement agencies in the control of protests, especially in crisis situations. These principles establish, among other things, that force should be used only in cases of necessity and in proportion to the seriousness of the crime or threat, and that firearms should only be used as a last resort to protect lives.

6. Are there guidelines or protocols in place for law enforcement to interact positively with assembly organizers, community members or other members of civil society to ensure effective facilitation of peaceful protests?

In the Dominican Republic there are guidelines and protocols in place for law enforcement to interact positively with assembly organizers and communities during peaceful protests.

The Ministry of Interior and Police of the Dominican Republic has issued guidelines and recommendations for the management of peaceful demonstrations, which establish guidelines for the use of force, coordination between law enforcement agencies and dialogue with protesters. In addition, the National Police of the Dominican Republic has implemented a series of programs and training to improve the management of protests and interaction with demonstrators.

Among the recommendations issued by the Ministry of the Interior and Police are:

- Establish channels of dialogue and effective communication with the organizers of demonstrations to facilitate coordination and avoid possible confrontations.
- Ensure that law enforcement intervention is carried out in strict compliance with the law and human rights, avoiding the excessive use of force and the violation of the rights of demonstrators.
- Protect demonstrators and guarantee their right to free expression, as well as their safety and physical integrity.
- Carry out adequate planning and coordination between the different agendas and security forces involved in the management of protests.

In summary, there are guidelines and protocols in place in the Dominican Republic to ensure the effective and peaceful management of demonstrations, and to promote positive interaction between law enforcement and demonstrators.

7. i_What law enforcement guidance tools and specific strategies and practices did you find effective in successfully de-escalating tension in the context of the protests in the Dominican Republic?

One law enforcement tool that has worked to successfully de-escalate tensions in the context of the protests in the Dominican Republic is negotiation and direct dialogue with the leaders and representatives of the demonstrators.

On many occasions, peaceful protests can become tense and violent due to a lack of communication and understanding between protesters and law enforcement. This is why the establishment of effective communication channels and negotiation with protest leaders can be very useful to avoid the escalation of violence and reach peaceful solutions.

For example, in the year 2020, in the midst of the COVID-19 pandemic, there were several protests in the Dominican Republic, especially in the health sector, where workers demanded better working conditions and adequate personal protective equipment. In some cases, the National Police established a direct dialogue with the leaders of the demonstrations and reached satisfactory agreements for both parties, avoiding violence and chaos in the streets.

In summary, negotiation and direct dialogue with protest leaders can be a very effective law enforcement guidance tool to de-escalate tensions and prevent violence in the context of the protests in the Dominican Republic.

8. i_What is the procedure such as decision making and guidance provided to law enforcement on the use of force during protests?

In the Dominican Republic, the procedure and guidelines provided to law enforcement agencies on the use of force during protests are regulated by the Dominican National Police's Regulations on the Use of Force.

The Regulation establishes that the use of force by law enforcement agencies must be based on the principles of legality, necessity, proportionality, opportunity and respect for human rights. It also establishes that the use of lethal force is only permitted in exceptional and extreme situations, such as self-defense or defense of third parties, provided that the use of non-lethal means has been previously exhausted.

In terms of decision-making procedures, **the** National Police of the Dominican Republic has a manual of procedures for the management of demonstrations and disturbances, which establishes the guidelines and protocols to be followed by security agents in the handling of protests. This manual establishes the need to evaluate the situation and the potential risk before making any decision, and to use the least amount of force necessary to control the situation.

In addition, the Dominican Republic National Police has an internal affairs department in charge of investigating and sanctioning officers who violate human rights or use improper force during protests.

9. How are law enforcement officers equipped and instructed on the use of weapons in the context of a protest including guidelines and protocols, if any?

In terms of equipment, law enforcement officers are equipped with firearms, as well as other non-lethal equipment and devices such as batons, pepper spray, shields and helmets. However, the use of firearms should be a last resort, and should only be used in the event of an imminent threat of death or serious injury to the officer or others.

In terms of instruction, the National Police of the Dominican Republic has a continuous education and training program for its agents, which includes training in the use of firearms and in the handling of conflict and protest situations. In addition, agents receive training in the principles of legality, necessity, proportionality, opportunity and respect for human rights in the use of force.

The National Police also has the use of force regulation mentioned above, which establishes the protocols and guidelines to be followed by law enforcement officers in the handling of demonstrations, including the use of weapons and other non-lethal equipment. This manual establishes the need to evaluate the situation and the potential risk before taking any decision, and to use the least amount of force necessary to control the situation.

10. What measures have your State's law enforcement agencies used/considered effective in preventing and minimizing harm to protesters, medical personnel, journalists and others involved in monitoring and/or reporting on protests, as well as bystanders, in cases where force could be justified as lawful in the context of a protest?

In the Dominican Republic, law enforcement agencies have used various measures to prevent and minimize harm to protesters, medical personnel, journalists and other agents involved in monitoring and reporting on protests, as well as bystanders, in cases where the use of force may be legally justified in the context of a protest. Some of these measures include:

- The implementation of a use of force protocol that clearly establishes the limits and conditions for the use of force in the context of a protest, in compliance with national and international human rights laws and standards.
- The training of law enforcement officers in crowd control techniques and management of high tension situations, in order to reduce the need to use force and prevent injury to persons.
- The presence of medical personnel and ambulances at the protest site to provide immediate medical attention to the injured.

- The use of dialogue agents who establish a communication channel with protest organizers in order to prevent and minimize the need to resort to force to control the situation.
- Clear identification of law enforcement officers with badges and uniforms that allow easy identification of their authority.
- The designation of safe areas or de-escalation zones so that protesters can withdraw in case the situation becomes violent.
- The protection and guarantee of safety for journalists covering pratestas. Therefore, it is important that the authorities continue to work to improve practices related to the use of force in the context of pratestas, and to ensure the safety and security of journalists covering pratestas.

ensure that the human rights of all persons involved in these events are respected.

11. What guidance is provided to law enforcement and what specific measures are taken to prevent and protect protesters and activists from abuse or sexual violence in the context of protests?

In the Dominican Republic, law enforcement must respect human rights and ensure the protection of all persons, including protesters and activists, during pratestas. With regard to the prevention and protection from abuse and sexual violence in the context of pratestas, various measures and guidelines have been implemented for law enforcement. Some of these are:

- Training of law enforcement officers in human rights and in the prevention of and response to sexual and gender-based violence.
- The implementation of clear guidelines on the treatment of people during pratests, including specific measures to prevent and respond to sexual and gender-based violence.
- The designation of personnel specially trained and equipped to handle situations of sexual and gender-based violence at pratestas.
- Clear identification of law enforcement officers with badges and uniforms that allow easy identification of their authority, to prevent abuse by persons posing as law enforcement officers.
- Guaranteed access to medical and psychological care for victims of sexual and gender-based violence.
- The creation of channels for reporting and following up on complaints to ensure that those responsible for abuses are investigated and punished.

It is important that the authorities continue to work on the implementation and effective enforcement of these measures to prevent and respond to sexual and gender-based violence in the workplace.

context of the protests, and guarantee the protection of the human rights of all persons involved.

12. What guidance is provided to law enforcement agencies and what measures are taken to avoid illegal arrests and detentions in the context of the protests in the Dominican Republic?

In the Dominican Republic, law enforcement agencies are subject to laws and regulations that establish procedures for arrests and detentions. However, during protests, there is a risk of illegal or arbitrary arrests and detentions, unless there is a disturbance of public order or some other police act. To prevent and avoid these situations, specific guidance and measures are provided to law enforcement agencies. Some of these are:

- Training of law enforcement officers in human rights and legal procedures for arrests and detentions.
- The implementation of clear protocols on the treatment of people during protests, including specific measures to prevent illegal or arbitrary arrests and detentions.
- Clear identification of law enforcement officers with badges and uniforms that allow easy identification of their authority, to prevent abuses by persons posing as law enforcement officers.
- The designation of specially trained and equipped personnel to handle situations of arrests and detentions during protests.
- Guaranteed access to lawyers and human rights defenders for persons detained during protests.

In addition, authorities should ensure that legal procedures are followed at all times and that the rights of detainees are respected, including the right to be informed of the reasons for their detention and the right to due process in case of arrest. Monitoring and follow-up mechanisms should also be established to ensure that law enforcement agencies comply with these guidelines and measures to prevent unlawful arrests and detentions in the context of protests.

- 13. Existing guidance, protocol, strategy and/or measures implemented by law enforcement entities to facilitate the right to freedom of peaceful assembly and protect the rights of groups considered at particular risk in the context of protests, including but not limited to:
- a) Children and youth;
- b) Women and girls;
- c) LGBTI people;

- d) People with disabilities;
- e) Indigenous peoples;
- f) Racial or ethnic minority groups;
- g) Migrants;
- h) Refugees and asylum seekers.

There are some specific measures and guidelines to protect the rights of groups considered to be at special risk in the context of protests:

Children and Adolescents: Law 136-03 of the System of Protection and Fundamental Rights of Children and Adolescents establishes that any State action affecting the rights of children and adolescents must be taken in consideration of their best interests and within the framework of their integral protection.

Women and girls: The Ministry of Women has established an inter-institutional working table to address violence against women during protests. In addition, there are protocols in place to deal with violence against women during the protests.

LGBTI persons, migrants, refugee groups and asylum seekers: The Dominican Constitution mandates that the rights of all groups in situations of vulnerability must be guaranteed.

Persons with Disabilities: General Disability Law No. 5-13 establishes that persons with disabilities have the right to participate in all activities of the political, social, economic and cultural life of the country, including public demonstrations.

Indigenous Peoples: In the Dominican Republic there is no minority of indigenous peoples, since they were exterminated with the Spanish colonization and are not a prevalent population in the country.

Racial or ethnic minority groups: In the Dominican Republic, 80¼ of the population is mulatto; therefore, there are no ethnic minorities. The Ministry of Culture, through the General Directorate of Communication, has developed awareness campaigns to promote inclusion and cultural diversity in the country.

14. What strategy or protocols are in place to ensure the accountability of law enforcement officials for human rights violations committed in the context of protests?

The Public Prosecutor's Office, at the moment there is a violent act against the physical integrity of a person, is immediately available to conduct an investigation and punish the agents who commit such crimes.

In the isolated events that have occurred violations in the excessive use of force, for example, in 2019, the death of a young man during a demonstration in Santo Domingo led to

protests and allegations of police abuse. In this case, an investigation was opened and charges were filed against several officers of the National Police.

In this regard, law enforcement officials have been held accountable for human rights violations committed during the protests in the Dominican Republic.

15. *l* What information is provided to law enforcement commanders and professionals? **order sabre the facilitation of meetings, including protests?**

In the Dominican Republic, law enforcement commanders and professionals receive training on the facilitation of assemblies, including protests. The Dirección General de Seguridad de Transito y Transporte Terrestre (DIGESETT), the National Police and other government institutions are responsible for providing this training.

Training includes aspects such as the protection of human rights, crowd management, negotiation and dialogue with protest organizers, and the proportional and necessary use of force when necessary. It also provides information on the rights and duties of citizens in protests, and promotes respect for the law and procedures.

In addition, the National Police has established an Action Protocol for the Maintenance of Public Order during demonstrations and protests, which establishes guidelines for handling situations of this type. The protocol includes a section on the use of force, which establishes that it should be used only as a last resort and in a manner proportional to the situation.

16. How is it ensured that it is needed to guarantee the safety, health, and security of the welfare of law enforcement officers in the context of protests?

The safety, health and well-being of law enforcement officers in the context of protests may vary depending on the country and the specific conditions in which they are working. In some cases, officers may be exposed to high-risk situations, stress and violence that may affect their safety, health and well-being.

It is important to note that in many protest situations, law enforcement officers may be subjected to physical or verbal aggression by demonstrators, which may affect their emotional and psychological health. They may also be exposed to risks such as injuries, burns, tear gas inhalation, among others.

For this reason, it is essential that public security agencies implement preventive and protective measures to ensure the safety, health and well-being of law enforcement officers in the context of protests. These measures may include the use of appropriate equipment, prior planning and coordination, medical care and psychological support.

The Dominican government is currently immersed in a police reform process aimed at updating police officers in the areas of planning, organizational structure, technology and communications, intelligence and human rights.

In short, the safety, health and well-being of law enforcement officers in the context of protests can be a sensitive and complex issue, requiring special attention and concrete measures to ensure their protection and well-being.

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