

# The role of the justice system, including informal justice and traditional conflict resolution mechanisms, Dominican Republic:

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## Content:

- ✓ Legal Framework of conflict resolution mechanisms in the Dominican Republic; existing programs and major challenges.
- ✓ Violence against children and the role of CONANI in the protection of children's rights
- ✓ The Local Boards for the Protection and Restitution of Children's Rights: an alternative mechanism for the resolution of cases of Child right's violations.
- ✓ Experiences at community level – Partnership CONANI-Plan International

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# Legal Basis for resolution of conflicts or violations of children's rights, including right to protection.

General Population:  
Constitution, art. 169, para 1,  
enables the public  
prosecutor's office to for  
functions alternative conflict  
mediation ....

Children: Law 136- 03, art. 464  
creates the Local Boards for the  
Protection and Restitution of  
Children's Rights

How is this  
expressed at  
community level?

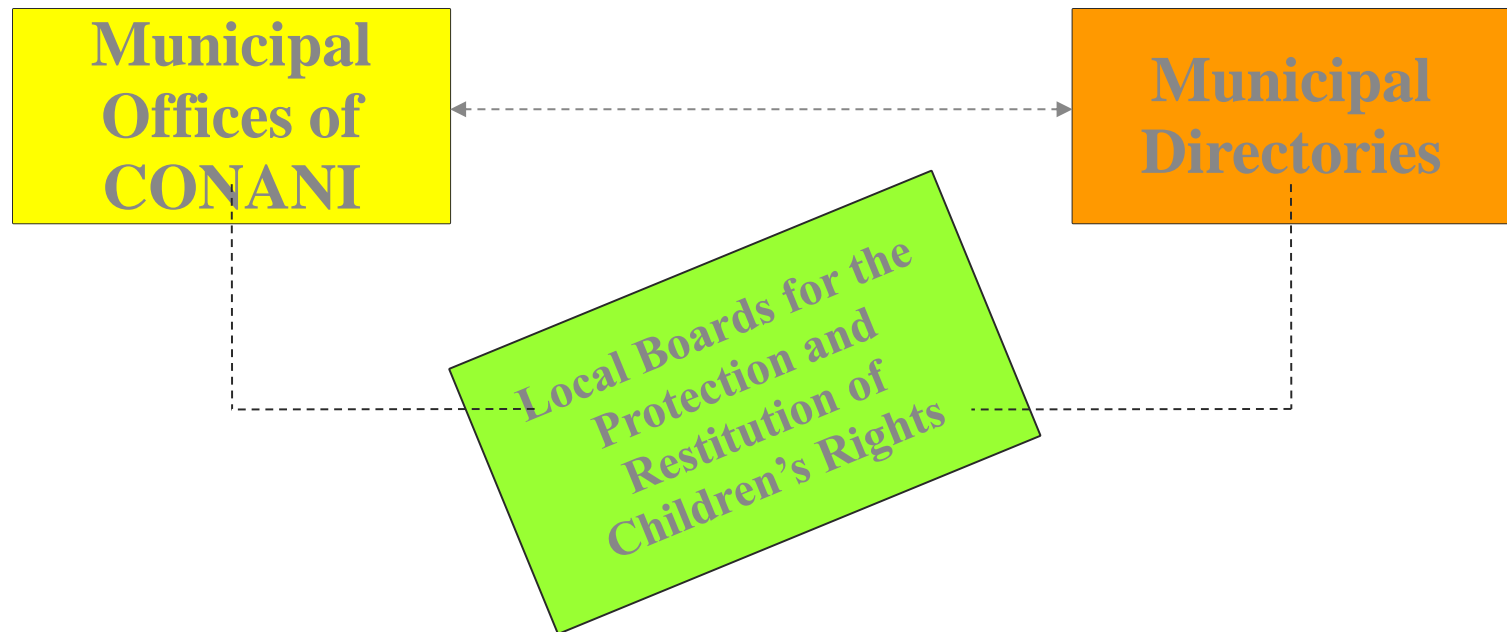
**Types of cases and  
levels of response**

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levels of response**

Traditional: Prosecution,  
formalities and legal  
technicality; mainly indirect  
dialogue between the parties

Alternative:  
Only severe cases are prosecuted  
or when the system fails to reach  
an agreement; Direct dialogue  
between the parties and major  
recognition.

## Administrative entities of the child protection system at local level



# What is a Protection Measure?

They are provisional and exceptional orders, issued by the competent authority in order to reconstitute children's and adolescents' rights. They are issued if there is a clear threat, breach or violation of rights which may result from the action or omission of any physical, moral, public or private person.

# Legal basis of the Local Boards

- ✓ The Local Boards are the most innovative mechanism of Law 136-03.
- ✓ They can issue orders to restore, protect and guarantee the rights of children and adolescents.
- ✓ They actively engage communities in resolving conflicts and children's rights violations.
- ✓ They are alternative decentralized local justice mechanism.

# Principles of the Local Boards

1. Non-Discrimination: Children should enjoy all rights and should not suffer discrimination of any kind due to their religion, color, political or other opinion, ethnicity, etc.
2. Best Interest of the Child: When making decisions, State authorities shall always take into account the best interests of the child.
3. The right to life, survival and development
4. Participation: Children must be free to have their own opinions. Their opinions should be taken into consideration, according to their age and maturity.

# Establishment of Local Boards: a participatory process



# The National Roadmap for the prevention and elimination of VAC

- ✓ It provides the strategic framework for the prevention and elimination of violence against children in the Dominican Republic.
- ✓ Comprehensive vision and integral approach to child protection
- ✓ It incorporates emerging issues, trends and challenges.
- ✓ Strong focus on the strengthening of local child protection system and of community child protection mechanisms.



# Major Challenges:

**El Nacional** La Voz de Todos

SEPTIEMBRE 1, 2015

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## Presidente Danilo Medina recibe a representante ONU para asuntos de la niñez

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El presidente Danilo Medina recibió, en su despacho del Palacio Nacional, a la representante especial del secretario general de la Organización de las Naciones Unidas sobre la violencia contra los niños y niñas, Marta Santos.

Kirsys Fernández, presidenta ejecutiva del Consejo Nacional de la Niñez (CONANI), informó que se

# Communities Protecting children

**Strengthening Community protection Networks  
and local Boards for more effective protection of  
children and young people in the border areas**

# The Dominican republic



# What was done?



- ✓ **Creation and strengthening of Community Mechanisms (Networks) in the border region.**
- ✓ **Build capacity of the lowest level of formal system (municipal Conani Directorates and Local Boards) for protection and restitution of rights**
- ✓ **Promote interaction between the Local Boards and the Community Networks, to ensure adequate response, justice and restitution.**

# What was achieved?



**Community Networks an adequate channel to make the Child Protection System more effective.**

- ✓ **Better prevention/response from community level**
- ✓ **Improved interaction between community and municipal level (Networks <-> Boards)**
- ✓ **Increased inclusion of Haitian population**

**Community now has possibility to channel cases to the Local Boards, in some cases to be taken up by the justice system, in other cases to intermediate and resolve in alternative ways**

