

QUESTIONNAIRE
STATE MEASURES FOR STRENGTHENING BUSINESS INTEGRITY

CHAPTER 1. THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) AND PRIVATE SECTOR

1(a) Please describe (cite or summarize) good practices and/or examples of measures taken by your country to promote business integrity and/or reporting of corruption in the private sector in line with the United Nations Convention against Corruption.

In the Dominican Republic, the fight against corruption is a matter of national interest and the private sector and the government jointly have been implementing measures in the pursuit to reduce it to its minimum expression, in this sense, we cite some of the measures used for such purposes:

1. Promote cooperation between law enforcement agencies and private entities.
2. Promote cooperation between national authorities and private entities.
3. Introduce or strengthen the liability of legal persons.
4. Promote public-private communications, cooperation and partnership.
5. Promote the development of standards and procedures to safeguard the integrity of companies.

1(b) What challenges (if any) did you encounter in developing and/or enforcing such measures?

The measures described above are ongoing actions and consequently the main challenges that we still find in their implementation are:

1. Changes in the main actors in the public sector that delay or cause modifications in the cooperation schemes.
2. Insufficient financial resources to implement actions in a timely manner.
3. Insufficiency of technical personnel for follow-up and monitoring of actions in the public sector.

1 (c) Please describe the steps you took to overcome such challenges (if any)

As we indicated previously, these measures are under development and although it is true that we are working together with the public sector in the search for full implementation, these challenges still remain, however, in the search to gradually reduce their impact. we have established:

1. Direct communication channels to achieve continuous fluidity in the event of any change in the key actor.
2. Cooperation in the search for financial support that allows the hiring of specialized personnel for the implementation of these measures.

CHAPTER 2. ENGAGING THE PRIVATE SECTOR

2 (a) Please describe (cite or summarize) good practices and/or examples of measures taken by your country to promote integrity through anti-corruption programmes in the private sector.

Some of the measures used by our country to promote integrity through anti-corruption programs in the private sector are:

1. Raise awareness of business integrity
2. Provide appropriate reporting channels.
3. Encourage public reporting of efforts to prevent and counter corruption in the private sector.

2 (b) Please describe (cite or summarize) good practices and/or examples of measures you have to encourage transparency, public reporting and/or public participation through your anti-corruption programmes (both for the public and private sectors)

The promotion of the establishment of a Code of Ethics that represents a framework of action that governs the conduct of the government, the companies and the human resources that integrate them, attached to morality and ethics, which implies the commitment to act with the due transparency in actions towards citizens, consumers, employees, civil society organizations and local communities; institutions of the Dominican State and other States, media, suppliers, competitors, investors and creditors.

In the public sector, the figure of the Government Integrity and Regulatory Compliance Commission (CIGCN) has been implemented, a plural body of public servants, with representation of all occupational groups present in the Public Administration, its main purpose is to promote the institutionalization of ethics and the encouragement of honest conduct in public servants, monitor compliance with the Code of Ethics and Conduct for Public Servants, as well as act as an operational body for the standardization of programs and policies for regulatory compliance, risk prevention, anti-bribery and management of government integrity tools in order to prevent acts of corruption and conflicts of interest in the Public Administration, guarantee the principle of good governance, good administration and access to public information.

2 (c) What was the impact of the measures described above (2a and 2b)

Gradually, these measures have allowed key actors in both the public and private sectors to act with higher levels of control in the exercise of their functions. Accountability has been established as a fundamental pillar for citizens, which undoubtedly has important repercussions for citizen credibility in both the public and private sectors.

2 (d) What challenges (if any) did you encounter in implementing the measures described above (2a and 2b)

As we have indicated, these measures still face important challenges, since resistance to change will always be a great challenge. Achieving transparency and accountability in the use of public

resources will always be a work in progress. For this reason, the follow-up and monitoring of compliance with the law and the establishment of sanctions in the corresponding cases will always be important elements in the implementation of the measures described above.

CHAPTER 3. USING SANCTIONS AND INCENTIVES

PART A- SANCTIONS

3 (a) Please describe (cite or summarize) good practices and/or examples of sanctions used to strengthen business integrity and/or reduce corruption in the private sector in your country.

Some of the most common sanctions used by our country to reduce corruption in the private sector are:

1. Monetary sanctions for legal persons (companies) liable for the participation in an offence of corruption.
2. Confiscation of proceeds of corruption for both companies and individuals who acted on their behalf.
3. Incarceration or other criminal sanctions of natural persons (individuals) who have committed an offence of corruption acting on behalf of a company.
4. Contract remedies and other means to communicate and enforce anti-corruption contractual provisions.
5. Reputational damages to hold wrongdoers publicly accountable.
6. Suspension and/or debarment of contractual partners from government processes.

3 (b) What were the main challenges (if any) your country faced in enforcing these sanctions?

The main challenge of our country when establishing these sanctions is the lack of credibility in the independence of justice, regularly it is common to hear that these are sanctions related to political issues.

3 (c) What steps did you take to overcome those challenges (if any)?

The government has been working continuously to establish higher levels of independence of the Public Ministry, this in search of increasing the credibility of these judicial proceedings and consequently and minimizing the occurrence of these events.

PART B- INCENTIVES

3 (d) Please describe (cite or summarize) good practices and/or examples of incentives used to strengthen business integrity and/or reduce corruption in the private sector in your country.

The most used incentives are:

1. Penalty mitigation
2. Whistle-blower protection and awards-encourages reporting of potential violations by individuals.
3. Agreement for the preferential return of funds or real estate.

3 (e) What is the main impact of such incentives?

These incentives in the last processes have allowed higher levels of cooperation and allowing the anticipated and voluntary delivery of funds and chattels.

PART C- ADDITIONAL MEASURES

3 (f) Please describe (cite or summarize) good practices and/or examples of any additional measures used to strengthen business integrity and/or reduce corruption in the private sector in your country.

1. Collaborative initiatives that brings companies and other relevant stakeholders together to prevent and counter corruptions and raise standards of business integrity.
2. Public sector reform (civil service and/or regulatory reforms that reduce the opportunities for corruption.
3. Activities that raise public awareness of corruption and its harmful effects.