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Universal Periodic Review

### Report of the Working Group on the Universal Periodic Review\*

**Dominican Republic**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of the Dominican Republic was held at the 3rd meeting, on 1 December 2009. The delegation of the Dominican Republic was headed by Dr. Max Puig, Secretary of State for Labour. At its 7<sup>th</sup> meeting held on 3 December 2009, the Working Group adopted the present report on the Dominican Republic.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Dominican Republic: Bosnia and Herzegovina, Bangladesh and Argentina.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Dominican Republic:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/ DOM/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/DOM/2);
  - (c) A summary prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (c) (A/HRC/WG.6/6/DOM/3).
4. A list of questions prepared in advance by Germany, the United Kingdom of Great Britain and Northern Ireland, the Czech Republic, Denmark, Latvia, Switzerland, and the Netherlands was transmitted to the Dominican Republic through the troika. These questions are available on the extranet of the Working Group.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. At the 3rd meeting, on 1 December 2009, the Secretary of State for Labour opened his statement by indicating that the national report is the result of intensive efforts undertaken by the Government with great responsibility and broad participation.
6. He recalled that the Dominican Republic has ratified the major international human rights conventions, which are part of the nation's legal framework. He added that the Government is carrying out the necessary studies to promptly determine the possibility of accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).
7. The Secretary of State for Labour highlighted that since the 1960s significant progress has been made in the field of human rights. However, it is important to bear in mind that this progressive improvement takes place against a structural backdrop of long-standing poverty and immigration. In that context, he presented some of the achievements of recent years and referred to persisting challenges.
8. With regard to the issues of documentation and nationality, in 2004 the Government estimated that there were approximately 600,000 unregistered nationals. In order to rectify this situation, the Late Registration Unit (*Unidad de Declaraciones Tardías*) was

relaunched and in August 2007, Congress passed Act No. 218-07, which established a three-year amnesty for late birth registrations for nationals under the age of 16.

9. The delegation explained that in April 2007, a birth registration system known as the Immigration Registry was established for children born in the Dominican Republic to non-resident women. In cases where the nationality of a newborn child or minor is unknown, the State confers Dominican nationality upon that person in accordance with the 1961 Convention on the Reduction of Statelessness.

10. The delegation stressed that discrimination on the basis of race, nationality, gender, creed or age is not accepted in the Dominican Republic. The 1997 amended Criminal Code makes discrimination or attacks against another person a criminal offence. In addition, any person who feels that he or she has been discriminated against or that his or her rights have been violated has preferential access to the courts.

11. The Dominican Republic mentioned that women enjoy equal rights and privileges with men and that with a view to guaranteeing and strengthening these rights the principle of positive discrimination has been introduced in the political arena. To this end, it was established by law that at least one third of candidates for elective posts should be women.

12. With regard to the rights to public security, personal security and due process before the law, the State indicated that there have been no reports of political crimes or disappearances between 2003 and 2008. However, it regretted that during that same period, there were reports of private individuals' involvement in summary executions. There have also been reports of members of the police and armed forces physically abusing detainees. The Government has taken penal action to counter these abuses and to ensure that they are not repeated.

13. In 1997 a reform process was initiated with a view to guaranteeing the independence of the judiciary. Special emphasis has been placed on the training and human rights instruction of members of the armed forces and police corps. In addition, the new penitentiary model protects prisoners' dignity and prison facilities are being upgraded to reduce overcrowding.

14. The delegation indicated that the persistence of trafficking in persons and people-smuggling is of great concern. A series of measures was undertaken by the Government to combat this problem, including, among others, the establishment of the National Commission to Combat Human Trafficking and People-Smuggling, which has the task of developing a national strategy in this area. The delegation added that the Inter-Agency Commission to Combat Abuse and Sexual Exploitation for Commercial Purposes joins forces with the Public Prosecutor's office and the Special Prosecutor for Children and Youth in combating the sexual exploitation of adolescents in tourist areas. It also emphasized that trafficking in girls and women, particularly for purposes of sexual exploitation, is taken very seriously and that networks of traffickers operating in the country are pursued by a wide array of government and civil society organizations.

15. According to the delegation, there are an estimated 900,000 to 1.2 million illegal migrants in the Dominican Republic, mostly of Haitian nationality. The Government does not encourage, benefit from or remain indifferent to this illegal migratory flow, which has many consequences. A number of steps have been taken to regulate this flow, including the passage of Act No. 137-03 on human trafficking and migrant-smuggling and of Migration Act No. 285-04.

16. The delegation recognized that despite the fact that gender equality prevails in the Dominican Republic, problems such as domestic violence and violence targeting women persist. The Government has therefore adopted the National Gender Equity and Equality

Plan to promote the rights of women. To ensure that the Plan is followed up, it has also established gender equity and development offices in all Government branches.

17. On the subject of children's rights, the delegation reported that the Labour Code and subsequent regulations issued by the Ministry of Labour prohibit the employment of children under 14 and protect children under 18 from the worst forms of child labour. The State regretted that violations of the law and regulations in this area still occur.

18. Under the national strategic plan for the eradication of the worst forms of child labour, 27,300 children have already been removed from risky situations and work exploitation. The authorities have launched an additional programme, which has achieved a significant decrease in the number of children and teenagers exposed and subjected to the worst forms of child labour.

19. In its efforts to ensure that all minors attend school, in 2003 the Ministry of Education authorized undocumented school-aged children to attend the compulsory basic years of education. Furthermore, a programme that offers subsidies to needy families in exchange for acceptance that their children of school age will attend school has been established and benefited more than 208,000 families in 2008.

20. With regard to the right to work, the Dominican Republic stressed that all workers are free to organize and join the union of their choice and that the Labour Code establishes a system of labour tribunals to handle disputes.

21. The State referred to reports from a number of non-governmental organizations indicating that, between 2003 and 2008, most of the undocumented Haitian workers employed in various farming and construction ventures did not assert their rights for fear of being dismissed or deported. The State explained that for every reported case there are dozens of counter-examples.

22. The Government indicated that its priorities in giving effect to the right to work are the creation of more and better jobs, the eradication of forced labour and child labour and the promotion of social dialogue.

23. Although the Dominican Republic has not been able to eradicate poverty, it has implemented important programmes in this area, such as "Eating Comes First" (*Comer es Primero*), which has become an integral part of the Solidarity Programme. By means of its electronic debit card, the Solidarity Programme ensures that citizens living in extreme poverty have their education, health, transport and nutritional needs met and that the elderly are cared for.

24. The Dominican Republic indicated that the establishment of the new social security system has been one of the most significant achievements in recent years. The coverage under the subsidized family health insurance scheme for the poor has risen from 65,000 beneficiaries in mid-2004 to 1,224,643 people nationwide. In addition, the undocumented population can benefit from free medical care.

25. The great challenge regarding education in the country is related to its quality, since the Dominican Republic has the second-highest school enrolment rate in Latin America, with 91.1 per cent of children between 6 and 18 attending school. A 10-year plan for the period 2008-2018 has been elaborated for all levels of education, and the Government has supported a gradual increase in the budget for the education sector.

26. Referring to vulnerable groups, the Government indicated that, despite efforts made over the last 40 years to counter poverty in the countryside, rural dwellers are the most vulnerable social group when it comes to unequal distribution of opportunities and wealth.

27. As regards food security, not even the second part of the first of the eight Millennium Development Goals -- halving the proportion of people suffering from hunger

in the country -- has been achieved. The Government is developing programmes with a view to resolving this issue in a satisfactory manner.

28. In relation to the rights of migrants, the Dominican Republic emphasized that it was firmly and resolutely opposed to any kind of shady arrangement or abuse at the expense of migrant workers, particularly illegal ones. The authorities are faced with the challenge of regulating migration so that migrant workers are legal, do not exceed the demand for labour, contribute positively and do not become an instrument of unfair business practice or an unsustainable burden on society. The General Directorate on Migration has laid down the terms under which illegal Haitians can be repatriated in the protocol which Haiti and the Dominican Republic signed in 1999.

29. The delegation recalled that the Dominican Republic will soon promulgate a new Constitution, marking a milestone in the history of the country. The new constitutional text is modern and rights-based, and will contribute to solving institutional problems. Moreover, it significantly expands the catalogue of fundamental rights and incorporates the institution of ombudsman.

30. Taken together, the achievements of the past few decades show that progress in overcoming the obstacles that prevent men and women of all ages, social classes, races and nationalities from living together in dignity depends directly on an active undertaking by the Government and society to protect and promote basic rights.

31. In this context, the formal commitment made by the Dominican Republic is to continue to put into effect each and every initiative designed to foster compliance with all its national and international human rights commitments.

## **B. Interactive dialogue and responses by the State under review**

32. During the interactive dialogue, statements were made by 38 delegations. A number of delegations thanked the Dominican Republic for its commitment to the universal periodic review process and its comprehensive, self-critical national report, noting that the report was the result of an inclusive broad-based process with the contributions of civil society organizations. Recommendations made during the interactive dialogue are to be found in section II of the present report.

33. Algeria welcomed the Secretary of State for Labour and his accompanying delegation. Algeria commended the national report for uncompromisingly recognizing that inequality was a historical characteristic of the socio-economic makeup of the Dominican Republic, and that it underlined social exclusion of national and foreigners. Algeria made recommendations.

34. While noting the positive steps already taken by the Dominican Republic in combating violence against women, human trafficking and extrajudicial killings, Turkey recalled that certain areas still require more attention and action. Turkey mentioned as examples the high rate of population living below the poverty line and the number of irregular migrants in the country. Nevertheless, Turkey praised the efforts made towards the elimination of impunity, the fight against racial discrimination and xenophobia and the ongoing screening and training of all law enforcement personnel and national security forces. Turkey made recommendations.

35. Belgium referred to the immigration flow of a large number of Haitians, which Belgium recognized as a major challenge. It welcomed a number of initiatives taken by the Dominican authorities in this area, such as the zero tolerance policy concerning violations of the rights of migrants. It was, however, alarmed by the general treatment of asylum-seekers and refugees and considered that the Dominican Republic had not fully followed up

on the comments and requests coming from the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Independent Expert on minority issues and the Committee on the Elimination of Racial Discrimination. Belgium stressed the importance of raising awareness among public officials to combat racism and of reprimanding the racist actions taken by these agents. Belgium asked what measures the Government planned to take to combat this phenomenon among public authorities. Belgium made recommendations.

36. Canada welcomed the ratification by the state of the Convention on the Rights of Persons with Disabilities. Canada noted with concern reports of discriminatory denial of the right to nationality to Dominicans of Haitian descent. Canada also recognized the efforts of the State to combat trafficking of children, women and men and appreciated its cooperation with Canada in the arrest of human traffickers. Canada made recommendations.

37. Egypt commended the creation of a new mechanism within the Offices of the Ombudsmen and dispute mediation centres in cooperation with the Office of the Attorney General and civil society organizations. It highlighted the establishment in October 2007 of the National Commission to Combat Human Trafficking and People-Smuggling. It also welcomed the 2006-2007 undertaking of a national consultation on excellence in education and the drawing up a 10 year plan for all levels of education in the country and its commitment to put the plan into operation over the period 2008-2018. Egypt made recommendations.

38. Brazil recognized the significant efforts made in the area of human rights, reflected by the establishment of the Interagency Commission for Human Rights and the Institute of promotion and protection of Human Rights and by the prohibition of corporal punishment at schools and in the judiciary system. Brazil congratulated the Dominican Republic for its launching of a national strategy on social inclusion. It welcomed the establishment of a bilateral commission between the Dominican Republic and Haiti. However, Brazil expressed its concerns with regard to issues related to gender violence and migrants. Brazil made recommendations.

39. The United Kingdom of Great Britain and Northern Ireland noted the absence of a national human rights institution in line with the Paris Principles. While welcoming the progress made in modernizing the prison system, it remained concerned about problematic conditions in the old-style prisons, including overcrowding, poor hygiene and criminality, and poorly trained personnel. It was concerned about the allegations of unlawful killings and increasing violence committed by Dominican security forces, and the absence of independent and transparent investigations. With regard to racism and discrimination against Haitians and Dominicans of Haitian descent, the United Kingdom recalled the importance of equality to all in access to health care, education and freedom of movement. The United Kingdom made recommendations.

40. Cuba noted positively the efforts being made to address the combat and eliminate all forms of discrimination, such as affirmative actions establishing quotas for women to be elected to public positions, the adoption of a National Plan for Gender Equality and measures to establish preferential access to the courts for victims of any type of discrimination. Cuba further noted with interest the programmes being implemented to address the problem of exclusion and lack of attention to the most impoverished sectors of the population, in particular the programme "Eating Comes First". Cuba made recommendations.

41. Spain noted the efforts made by the Dominican Republic in the area of fundamental rights and freedoms. Furthermore, Spain welcomed the abolition of the death penalty and expressed its hope that the Dominican Republic would ratify the Second Optional Protocol

to the International Covenant on Civil and Political Rights. Spain asked whether the Government planned to broaden the campaign of gender equality and whether it would take measures in cases of abuses perpetrated by security forces. Spain made recommendations.

42. France inquired about the measures that the authorities intended to take to cope with the increasing incidents of arbitrary detention, summary executions and the use of excessive force by law enforcement officials as well as the impunity they seemed to benefit from. While acknowledging the significant progress made in the area of the rights of women, France added that domestic violence was still at a very alarming level and the units of fighting violence against women seemed not to be very effective due to the lack of receptivity of the police officers on this subject. Under those circumstances, what additional measures did the authorities intend to take to guarantee full respect of the rights of women? Referring to more than a million Haitian citizens living in the Dominican Republic without documentation, which made them particularly vulnerable and exposed them to many forms of exploitation, France was very pleased that the Dominican Government had announced in June 2009 the launching of a broad plan to regularize them by providing them with resident permits and work permits. What stage had been reached in the implementation of this plan? France made recommendations.

43. The Netherlands welcomed the introduction of a zero tolerance policy, the investigations of human rights abuses and violations and the human rights training provided to the police force. The Netherlands underlined the rate of women's death caused by gender-based violence, despite the efforts of the Government to promote women's rights. It also raised concerns about maternal death and enquired about existing measures to treat post-abortion complications, and guarantees for the non-prosecution of women. The Netherlands finally noted the positive response of the State to requests for invitations to mandate-holders. The Netherlands made recommendations.

44. Mexico recognized the efforts undertaken by the Government in the area of human rights. It noted the important legal efforts in the areas of gender equality, improvement of the penitentiary system and combating corruption, trafficking and smuggling of persons. Mexico welcomed the Government's willingness to work with the special procedures of the Human Rights Council by responding positively to their requests for visits. Mexico made recommendations.

45. The Dominican Republic thanked all delegations for their statements and the questions raised, as well as for the recognition of the efforts made by the Dominican Republic not only in the preparation of the national report, but also in specific areas. Without denying the difficulties and obstacles, the universal periodic review is intended to help States address them.

46. The delegation reiterated that the Dominican Republic is working towards the aim of ratifying CAT and ICRMW.

47. On the issue of visits by international human rights mechanisms to the country, the Dominican Republic remains open to receiving visits by all international human rights mechanisms. The delegation indicated that these visits are extremely beneficial; since these can help them focus attention on issues they might have difficulty addressing.

48. On the issue of migrant workers, the delegation noted that the Dominican Republic is both a sending and a receiving country. Regarding migrant Haitian workers specifically, the delegation wished to put the question in perspective, noting that the Dominican Republic and Haiti are the only case of two sovereign States sharing one island. The economic trends in the last few decades have led to a situation where the two States have the same population, but the Dominican Republic has a larger territory. In addition, whereas both are developing countries, the Dominican Republic is already a medium-income country, while Haiti is a least developed country. The Dominican Republic

economy is six times larger than the Haitian economy. There is a situation where the population of the country with a lower level of development has to move towards the country where the economic level is better; this is a universal phenomenon. The Dominican Republic does not encourage immigration towards its territory. Documented migrant workers come voluntarily into the Dominican Republic. In 2008, the Dominican Republic issued 76,000 visas to Haitians visitors. This figure is higher than the total number of visas issued by the United States of America and the European Union to Haitians citizens in the same year. The fact is that when these migrant workers come to the Dominican Republic they find themselves in a situation where more than 40 per cent of the people are living below the poverty line as defined by the United Nations. An effort is being made; more than 13 per cent of the budget of the Ministry of Health is allocated to the care of Haitian nationals residing in the Dominican Republic. In fact, the Dominican Republic is one of the countries that provide major assistance to Haiti, in terms of health and education assistance to Haitian nationals residing in the country.

49. It is also important to highlight that the Dominican Republic has taken measures, interpreted by some as being restrictive, concerning the recognition of the rights of the Haitian people and the civil registry system. The system in the Dominican Republic has had shortcomings in the past, which the Central Electoral Board (CEB) has tried to correct. For example, the Dominican Republic has put forward a resolution aimed at detecting documents that are falsified. As of 2007, 2,416 false identity documents had been identified, of which only 72, or 3 per cent, corresponded to nationals of Haiti. The measures taken by CEB are general measures in their nature and do not target any segment of the population in particular.

50. Switzerland applauded the long consultation process involved in the drafting of the report. Switzerland noted with concern that despite the fact that freedom of expression is enshrined in the Constitution, there are allegations of intimidation of journalists and human rights defenders and these actions are on the rise. With regard to violence against women, Switzerland took note of the willingness expressed by national authorities to eradicate this phenomenon and to adopt a national plan for equality. However, physical violence against women has increased drastically in recent years. Domestic violence has reached point where the media speak of it with horror. Switzerland made recommendations.

51. Venezuela commended the efforts made by the Interagency Commission on Human Rights. Venezuela recognized the actions undertaken by the Dominican Republic to ensure the right to education, which was given highest priority in the Dominican annual budget. Venezuela particularly praised the high enrolment rate in the school system in the Dominican Republic. It welcomed the positive prospects of the ten-year plan for all educational levels. Venezuela made recommendations.

52. While recalling the rate of population living below the poverty line, Azerbaijan commended the national measures taken by the Government to reduce poverty and food insecurity, especially the Solidarity Programme. Showing understanding with the huge immigration flow the state is facing, Azerbaijan praised the will of the Dominican Republic to accede to ICRMW. Azerbaijan made recommendations.

53. The United States noted the Government's nationwide efforts to improve civil registration access and procedures. It remained concerned however by the major barriers Dominicans of Haitian descent faced in establishing their citizenship. Dominicans who lacked citizenship or identity documents faced obstacles in travelling both within and outside of country. In addition, persons who were undocumented could not obtain a national identification card or a voting card. Those without a national identification card had limited access to formal-sector jobs, public higher education, marriage and birth registration, formal-economy services such as banks and loans, courts and judicial procedures and ownership of land or property. The United States made recommendations.

54. Uruguay emphasized the efforts made by the Dominican Republic in the promotion and protection of human rights, including the affirmative actions adopted to ensure women's participation in public life and the implementation of programmes such as "Eating Comes First" and the Solidarity Programme. Uruguay recognized that geographic, political and socioeconomic factors make the development of a migration policy a complex process and indicated that the Dominican Republic should continue strengthening measures aimed at protecting the principles of non-discrimination and the right to an identity, among others. It enquired about the experiences of the Dominican Republic in its efforts to combat child labour. Uruguay made recommendations.

55. Slovenia commended the State for its efforts to comply with its international obligations. Slovenia questioned the State on its concrete plan to eliminate the discriminatory provisions present in the Civil Code. It raised concerns about the existing prohibition of abortion and wondered if measures were foreseen against the development of a black market in illegal abortions. Slovenia asked what was planned to prevent child labour and violence against children and to remedy under-resourced education. Slovenia made recommendations.

56. Nicaragua highlighted the efforts and progress made by the Dominican Republic in modernizing its state, giving it an institutional and normative framework which meets the needs of its society. Nicaragua congratulated the Dominican Republic for the process of constitutional reform, which was consolidating Dominican democracy. Nicaragua made recommendations.

57. Italy commended the growing awareness in terms of the promotion and protection of human rights and the adoption of new legislation over the last few years. Italy formulated four recommendations: to include in the school system appropriate measures in the field of human rights education; to increase the efforts to combat existing discrimination among children; to ratify and implement CAT and to ensure satisfactory prosecution of cases of gender-based violence. Italy made recommendations.

58. Norway recalled the importance of independent national human rights institutions for the awareness and implementation of human rights obligations. Norway raised concerns about the vulnerable situation of human rights defenders and journalists working in the defence of human rights, including rights of Haitian immigrants and Dominicans of Haitian origin. Norway was deeply concerned by the rate of women's deaths caused by gender-based violence. Norway made recommendations.

59. Germany referred to Human Rights Committee concerns about reports of extrajudicial executions of prisoners in State custody and of deaths at the hands of the National Police, the armed forces and officers of the National Drug Control Office owing to the excessive use of force. Germany was interested to know how the Government had addressed these concerns and in particular to learn more about programmes of human rights training for the staff of those forces in this regard. Germany made recommendations.

60. The Holy See noted the ongoing process of consolidation of democratic institutions, including the establishment of local prosecutor's offices to safeguard especially the rights of women and minors, and the application of a zero tolerance policy in cases of mistreatment or violation of the rights of illegal migrants. While appreciating the care of the State to protect children, the Holy See remained concerned that many under the age of five were without birth certificates. The Holy See drew attention to the trafficking and exploitation of persons, especially children, and wondered what measures had been taken to confront the problem. The Holy See made recommendations.

61. In response to comments made on the situation of women, the delegation of the Dominican Republic indicated that it fully shared the concerns conveyed by various delegations. In 2000, the Government created a Ministry for Women that is working on the

equity plan. However, they are extremely concerned by the high levels of violence against women. As in other areas it must work on education and make efforts to provide for justice. The delegation appreciated the suggestions with regard to setting up a database with the breakdown of the population.

62. The Dominican Republic reiterated its concerns about the violence exercised by law enforcement and security forces. The issue should, however, be contextualized. The Dominican Republic is facing an increase in crime along with a rising problem of drug trafficking. The Dominican Republic is a transit country for drugs going from producing countries to the main consumers and markets. This creates many difficulties. Deaths caused by law enforcement officers are treated as homicides and the main parties involved are subject to judicial actions and prosecuted. The delegation made reference to recent cases in this regard.

63. Referring to the issue of child labour, the delegation noted that this practice is often accepted by certain parts of the population, perhaps because of poverty and the social fabric. Action in this regard needs to be taken not only in terms of the legal framework but also through education. The last study available, conducted by the International Labour Organization in 2000, found that there were about 434,000 working children. Current estimates show that number to have decreased to 156,000, mainly as a result of programmes such as “Eating Comes First” and the Solidarity Programme, but the Government is not satisfied yet. It is making efforts within the hemispheric agenda to eliminate the worst forms of child labour by 2015 and all child labour by 2020.

64. Some delegations made reference to a request to visit the Dominican Republic made by the Special Rapporteur on extrajudicial, summary or arbitrary executions. The delegation indicated that the Dominican Republic remained open to visits by United Nations human rights mechanisms and had no objections to that visit. A request in that regard should be made through the official channels by the Special Rapporteur.

65. The delegation indicated that the Dominican Republic fully shared the concerns expressed concerning issues related to human rights education in various areas, including the need to develop a comprehensive human rights education strategy and a culture of respect for human rights. The delegation noted the importance of setting the necessary legal framework and conducting efforts to sensitize and provide human rights education to the population in order to address particular problems such as racism, xenophobia, violence against women, violence against children and the rights of persons with disabilities. The Dominican Republic reiterated its serious commitment in that regard and noted that there was a need to work hand in hand with all members of society and countries around the world.

66. Bosnia and Herzegovina noted with satisfaction the ratification of numerous core human rights instruments and inquired about the obstacles to ratifying CAT and ICRMW. It also asked the delegation about steps being taken to fill the position of Ombudsperson and Assistant Ombudsperson for Children and Youth, established by law in 2008. With regard to minority issues and certain groups in Dominican society, such as Dominicans of Haitian descent and Haitians, affected by the application of the General Law on Migration, it enquired about the Government’s efforts to overcome the consequences of that law for the vulnerable groups. Bosnia and Herzegovina made recommendations.

67. Bolivia congratulated the Dominican Republic for the high rate of school enrollment, as mentioned in the national report. It noted that the Dominican Republic is a developing country with limited natural resources, but with the will to address obstacles with the support of the international community, as reflected in the allocation of public resources, such as in the area of education and health. Bolivia further recognized the

implementation of the national plan to combat smuggling and illegal trafficking of migrants. Bolivia made recommendations.

68. Peru recognized the efforts of the Dominican Republic in favour of women, such as electoral law 12.200, which increased to 33 per cent the quota for women in public positions, and expressed the hope that the legislative measures would result in the short term in a higher representation of women in the Senate and the Chamber of Deputies. Peru asked the delegation to provide more information on the impact of the school subsidy and “Eating Comes First” programmes. Peru also asked if the Dominican Republic was considering extending a permanent invitation to the special procedures mechanisms. Peru made recommendations.

69. Jamaica was pleased to note the emphasis of the State on protecting the human rights of vulnerable groups. Jamaica congratulated the State for having the second highest school enrolment rate in Latin America. Jamaica also recognized the efforts made to combat human trafficking and improve victim protection mechanisms and to promote and protect civil and political rights, for example by reforming and guaranteeing the independence of the judiciary and providing human rights training to law enforcement officials.

70. The United Arab Emirates noted the progress achieved in the field of women’s rights, especially in achieving equality between men and women before the law. It expressed its appreciation for the important initiative to set up a Ministry for Women in 1990. Several practical steps in favour of women has also been adopted, such as the adoption of electoral law 12.200 (see para. 68 above) and act No. 13.200, which stressed that applications for positions such as commissioners and deputy commissioners, should be of alternate sexes. The United Arab Emirates enquired about the outcomes of the national plan to encourage equality between man and women and of the equality and development offices set up in all government branches to ensure the follow-up of the plan.

71. The Maldives congratulated the State for its commitment to human rights, as evidenced by its ratification of most core human rights convention. Noting that gender-based violence remained a problem in the country and often went unreported, the Maldives wondered if the State had given consideration to asking the Special Rapporteur on violence against women for advice on steps to eliminate violence against women.

72. Chile congratulated the Dominican Republic for its report highlighting progress made in recent years, as well as problems and challenges.. Chile noted with satisfaction the important progress made with regard to the human rights of women, children and migrants, underscoring the institutionalization of the women’s and youth affairs ministries, the National Plan for Gender Equality, the reduction of the number of children and adolescents exposed to the worst forms of child labour and the adoption of laws and action plans to combat human trafficking and migrant smuggling. Chile made recommendations.

73. Colombia made reference to the progress made for the strengthening of the institutional framework for the protection of human rights and asked the delegation to share more information on the establishment of the neighbourhood prosecutor’s offices (*fiscalías barriales*) and their impact with regard to facilitating access to justice for the most vulnerable sectors. Colombia congratulated the Dominican Republic for its important efforts and progress made in the areas of penitentiary reform and public access to health services. Colombia made recommendations.

74. Ecuador highlighted the Dominican Republic’s efforts and commitment in the promotion of all human rights and encouraged it to consider developing and implementing a national human rights plan and establishing a national human rights institution in accordance with the Paris Principles, as highlighted in the concluding observations of treaty bodies. Ecuador expressed its sincere willingness to support all efforts of the Dominican

Republic in the promotion and protection of human rights and reiterated its readiness for cooperating in that regard.

75. Latvia noted with satisfaction the domestic culture of the State, which ensured respect for fundamental freedoms. It also noted that the Dominican Republic has ratified many core international human rights treaties. Latvia referred to the issue of standing invitations to special procedures, an issue that it had also addressed as a written question prior to session of the Working Group. Latvia made recommendations.

76. Guatemala welcomed the incorporation of norms for the promotion and protection of human rights in the new Constitution to be adopted. Guatemala asked the Dominican Republic to provide more information and share information on its good practices with regard to reform and modernization of the penitentiary system. It also asked for information on access by undocumented migrants to health services, housing, education, work and social security services, as well as on the solidarity pension system.

77. Nigeria noted the significant achievements recorded by the State despite the numerous challenges it faced and commended the State for being a party to a substantial number of the core international human rights instruments and for having cooperated with various United Nations human rights mechanisms. Nigeria noted the continuing exclusion of persons and a proliferation of racism on the part of some individuals. It questioned the State about existing mechanisms to address those practices and the successes recorded in their implementation. Nigeria made recommendations.

78. Haiti referred to the Dominican Republic as a country with which the Republic of Haiti shares an island in the Caribbean. These are two countries whose futures are inextricably linked. In fact, the Dominican Republic continued to host a major inflow of Haitians who had contributed in a substantial way to the growth of the Dominican economy. Haiti represents the second destination of products from the Dominican Republic, after the United States of America. Haiti took note of the efforts made and the measures taken by the Dominican authorities to promote and protect human rights in the country. It had above all noted the major difficulties encountered by Haitians in their relations with Dominican policemen, army officers and soldiers, and with certain segments of the Dominican population, which often gave rise to regrettable incidents linked to the obtaining of an identity document and access to basic services. Haiti made recommendations.

79. Ghana commended the creative and affirmative actions for women and the opening of neighbourhood prosecutor's offices for greater access to the justice system. On migration issues, Ghana welcomed the act on migrant smuggling and human trafficking and the adoption of a zero tolerance policy in cases of mistreatment of illegal migrants by inspectors. Noting the condemnation, dismissals and disciplinary sanctions of police officers, Ghana asked about the impact of this policy on society in general and on foreigners in particular. Ghana also appreciated the openness with which the State had discussed its challenges, such as the failure to properly address the issues of discrimination and racism. Ghana made recommendations.

80. Morocco welcomed the new text of the Constitution, which took on board several questions relating to human rights, above all the protection of the rights of vulnerable groups such as women, children and undocumented migrants. It congratulated the Government of the Dominican Republic for the "Eating Comes First" programme launched in 2002 to alleviate the hunger problem and assist families in situations of extreme poverty. It enquired about other programmes or initiatives which are part of the programme to combat poverty, particularly in the area of human development. Morocco congratulated the Government of the Dominican Republic for adopting a national education plan for the period 2008-2018 and asked whether the plan had a human rights education component to it. Morocco made recommendations.

81. The Dominican Republic thanked all delegations for their questions and comments and reiterated its serious commitment to promoting all human rights. It also reaffirmed its commitment to ratify and adhere to the conventions mentioned throughout the interactive dialogue and its openness to receiving visits by different United Nations human rights mechanisms.

82. The delegation indicated that there was full freedom of expression in the country and that no one was persecuted for the expression of opinion, nor were any journalists imprisoned in the connection.

83. Regarding the high number of undocumented persons residing in the country, as mentioned by some delegations, the Dominican Republic made reference to experiences shared by other countries in that regard. It also recalled that plans for the identification and registration of undocumented persons were being developed with the aim of regularizing their migratory status.

84. Concerning the issue of nationality, the delegation noted that the law did not have retroactive effect, and therefore persons who had acquired Dominican nationality cannot lose it. It further noted that there was no discrimination in the application of the law, even if there might be some isolated instances in that regard.

85. The Dominican Republic further reiterated its commitment to addressing specific issues in which it had recognized difficulties, such as violence against women, the situation of children and child labour. It was also the goal of the Government to address the issue of executions as well.

86. The delegation thanked Haiti for its statement and indicated that the two countries were working together. The delegation appealed to all other countries of the world to support the aspiration of Haiti and the Dominican Republic to move forward in the community of nations.

## **II. Conclusions and/or recommendations**

**87. The recommendations formulated during the interactive dialogue have been examined by the Dominican Republic. The recommendations listed below enjoy the support of the Dominican Republic:**

- 1. Improve further the situation of children, boys and girls alike, through the necessary review of laws and regulations (Holy See);**
- 2. Promptly designate the person who will occupy the position of Ombudsman (*Defensor del Pueblo*) (Peru);**
- 3. Review its domestic policies and practices to ensure full compliance with the Convention on the Rights of Persons with Disabilities (Canada);**
- 4. Strengthen efforts to fill the existing gaps and accept the recommendations to draw up and implement a national human rights strategy with the aim of improving the overall human rights situation in the country (Bosnia and Herzegovina);**
- 5. Strengthen the human rights protection of all inhabitants of the Dominican Republic, including migrants (Chile);**
- 6. Continue successfully implementing affirmative measures in order to guarantee gender equality and all its ensuing consequences (Cuba);**

7. Set up a database related to the socio-economic situation of the population, disaggregating the data in terms of racial and ethnic identity, persons with disabilities, national origin and gender, with a view to analysing the social situation of different groups of the population and thus make progress in strengthening or establishing public policies to prevent and eliminate discrimination (Mexico);
8. In compliance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, establish actions aimed at promoting equality within the population so as to put an end to the existing discrimination and so that the national legislation is enforced (Algeria);
9. Adopt comprehensive strategies to combat racism, including specific measures on the status and protection of persons of Haitian origin (Belgium);
10. Strengthen the legal and institutional framework to combat racism and racial discrimination, ensuring that all legal provisions are applied and that active monitoring of patterns of racism and racial discrimination is carried out (United Kingdom);
11. Consider taking appropriate measures to eliminate racial discrimination and recognize Africans and people of African descent as part of the Dominican society (Nigeria);
12. Strengthen efforts to eliminate discrimination and racism, in line with paragraph 35 of the national report (Ghana);
13. Adopt specific criminal legislation for the protection of women's rights (Brazil);
14. Prohibit corporal punishment of children in all settings (Slovenia);
15. Strengthen efforts to effectively combat violence against women (Azerbaijan);
16. Continue to investigate the different forms of violence against women and to take adequate measures against it (Holy See);
17. Redouble efforts to prevent violence against women and take radical measures in the area of criminal legislation with a view to sanctioning very severely all violence against women (Switzerland);
18. Consider increasing, if possible, the funds devoted to ensuring the implementation of programmes for the protection of victims of violence against women and to ensuring that women have access to information and health-care services (Egypt);
19. Establish units for integrated assistance to victims of gender-based violence in all of the country's 32 provinces and at least one shelter in each of the country's nine regions (Netherlands); earmark human and financial resources for combating violence against women by creating shelters for and providing assistance to victims (Chile);
20. Implement compulsory training programmes for all relevant officials on how to identify, deal with and protect the victims of gender-based violence (Netherlands);
21. Ensure satisfactory prosecution of cases of gender-based violence, in particular by increasing the number of competent personnel working in the judiciary system and the Public Prosecutor's office to combat violence against

women and girls and by implementing a national plan for the prevention of gender-based violence (Italy; Norway) and by ensuring that all relevant government departments collect and publish disaggregated data and statistics on violence against women and girls (Norway);

22. Ensure the establishment and implementation of proactive and effective approaches to combating and penalizing human trafficking in the country (Canada);

23. Increase efforts to combat existing discrimination among children, as reported by the Committee on the Rights of the Child, by taking effective measures against any form of exploitation of children, especially girls, including for prostitution, pornography and domestic work (Italy);

24. Strengthen efforts to complete the process of implementing the new model in the whole national penitentiary system (Bosnia and Herzegovina);

25. Continue implementing programmes in the area of upgrading penitentiary centres, social reinsertion and prevention of recidivism (Colombia);

26. Continue its programme of prison modernization, ensuring thorough staff training and investigations of alleged staff misconduct (United Kingdom);

27. Invest in and upgrade human rights training of the police and the staff of penal institutions (Germany);

28. Guarantee for each and every person including journalists and defenders of human rights the exercise of freedom of expression, to this end, conduct serious and complete investigations into cases of intimidation and to bring offenders to justice (Switzerland);

29. Effectively investigate and prosecute crimes and violations against human rights defenders and journalists, and ensure that those responsible are punished; furthermore adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway);

30. Continue to implement policies for the eradication of poverty (Turkey);

31. Continue the national plans and strategies to reduce poverty and food insecurity in the country (Azerbaijan);

32. Continue ongoing efforts to guarantee universal access to healthcare to the population (Cuba);

33. Continue making progress in expanding the coverage for the Subsidized Family Health Insurance Scheme and the Contributory Family Health Insurance (Colombia);

34. Strengthen services aimed at protecting women and children, including through greater legal protection, and provide women and children with adequate information on how to gain access to support and medical care (United Kingdom);

35. Promote access to basic and secondary education and health care for all children and adolescents, without having these services depend on the possession of a valid birth certificate (Chile);

36. Include intercultural education in school curricula (Egypt);

37. Continue strengthening the good educational policy with a view to ensuring the full school enrolment of those who due to lack of resources are excluded from the education system, as the only way of moving forward to its full development and achieving true social well-being (Venezuela);
  38. Continue providing access to quality education without discrimination for the population of school age throughout the country (Bolivia);
  39. Include all children in education regardless of their registration status, as recommended by the Committee on the Rights of the Child (Bosnia and Herzegovina);
  40. Continue strengthening the migration policy in accordance with international standards for the promotion and protection of human rights taking into account that this phenomenon presents major challenges for the country (Nicaragua);
  41. Take the necessary measures to get the activities of the Haitian-Dominican Joint Commission going again (Haiti);
  42. Take further action to protect the rights of migrants in view of the persistent reports on violations of the rights of migrants (Ghana);
  43. Work with the Government of Haiti to ensure Haitians living in the Dominican Republic have adequate access to civil and birth registration mechanisms in order to establish the Haitian citizenship (United States).
88. The following recommendations will be examined by the Dominican Republic, which will provide responses in due time. The response of the Dominican Republic to these recommendations will be included in the outcome report adopted by the Human Rights Council at its thirteenth session:
1. Sign (Chile; Spain) and/or ratify (Chile; Belgium; Brazil; Netherlands; Azerbaijan; Spain; Italy; Peru) and implement (Netherlands; Italy) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Chile; Belgium; Brazil; Netherlands; Azerbaijan; Spain; Netherlands; Italy; Peru);
  2. Sign and ratify (Chile)/accede to (Italy) the Second Optional Protocol to the International Covenant on Civil and Political Rights (Chile; Italy);
  3. Sign (Chile) and ratify (Spain) the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Chile; Spain);
  4. Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Brazil);
  5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);
  6. Sign and ratify as quickly as possible the International Convention for the Protection of All Persons from Enforced Disappearance (France);
  7. Ratify international human rights instruments that the Dominican Republic is not yet a party to (Peru);
  8. Consider favourably the ratification of (Mexico; Nigeria)/ratify (Peru) promptly (Bolivia) the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (Mexico; Nigeria; Peru; Bolivia);

9. Consider the signing and ratification of ICRMW, as well as the consequent and gradual adaptation of national legislation in accordance with the standards contained in that Convention (Uruguay);
10. Continue making progress by ratifying ICRMW (Colombia);
11. Ratify the Convention on the Reduction of Statelessness and sign and ratify the Convention relating to the Status of Stateless Persons (Canada);
12. Accede to instruments which are conducive to making an effective contribution to combating corruption, to support the Strategic Plan for Transparency, Ethics and the Prevention of Corruption 2009-2012; in particular consider the possibility of taking inspiration from existing models of institutions in certain countries to establish a body to combat corruption and to accede to the United Nations Convention against Corruption (Algeria);
13. Improve cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports (Norway);
14. Extend an open and permanent invitation to all United Nations special procedures (Brazil; Chile; Latvia), in addition to the existing cooperation (Brazil);
15. Consider favourably the request for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions (Norway; Netherlands);
16. Consider establishing (Egypt)/create (France)/adopt measures which are conducive to the creation of (Mexico)/expedite the creation of (Peru) an independent national human rights institution in conformity with the Paris Principles (Egypt; France; Mexico; Norway; Peru), as recommended by the Committee on the Elimination of Racial Discrimination (Norway);
17. Establish an independent body to deal with complaints and investigations concerning impunity of the forces of law and order when they carry out heinous actions, and train the police to use force in accordance with international human rights standards (Belgium);
18. Establish an independent oversight body to investigate complaints of police abuse and human rights violations (Netherlands);
19. Include in the school system at all levels, appropriate measures in the field of human rights education, in accordance with the Plan of Action of the World Programme for Human Rights Education, including appropriate training of law enforcement officials (Italy);
20. Intensify programmes of human rights education with a view to fight racist prejudices and to start such programmes already at school level (Germany);
21. Step up its efforts in the area of education and human rights training (Morocco);
22. Speed up the implementation of ICRMW, to which the Dominican Republic has committed itself to acceding (Morocco); and strengthen its approach in the area of migration by acceding to ICRMW and ask for the assistance of competent international institutions (Algeria);
23. Ensure that all reports of human rights violations are investigated and that those suspected of violations are suspended from active duty and brought to justice (Netherlands);

24. Strengthen the coordination between the National Police and the Public Prosecutor's office (Netherlands);
  25. Take all necessary measures to put an end to discrimination against gays, lesbians and transsexuals (France);
  26. Taking into account the determination of the Government to protect the right to life and the danger of the practice of illegal abortions, provide guarantees in legislation for the mental and physical integrity of women, especially children who have undesired pregnancies (Spain);
  27. Seek technical assistance in the field of violence against children (Slovenia);
  28. Increase the number of competent personnel in the Public Prosecutor's office working to combat violence against women (Netherlands);
  29. Make more efforts to guarantee the right of all children to be registered immediately after birth through a simplified and inclusive procedure, thus allowing them access to basic social services such as education and health (Uruguay);
  30. Encourage full implementation of the 2004 Children's Code, in the area of education, prevention and reinsertion (Spain);
  31. Establish mechanisms for dialog and raising awareness amongst the Dominican people, in the area of migration such as public campaigns and social fora of dialog in the areas of discrimination and racism, labour conditions, access to education and health care (Brazil).
89. The recommendations below did not enjoy the support of the Dominican Republic, and the Dominican Republic offers the following comments:
1. Ensure that appropriate legal frameworks are in place in line with the international conventions governing the issue of nationality (Canada): The Dominican Republic does not accept this recommendation, since nationality is already established in the Constitution and is not open to interpretation;
  2. Cancel all retroactive measures taken to replace the principle of *jus soli* with the principle of *jus sanguinis* for the acquisition of nationality (Spain): The Dominican Republic agrees that the law is not retroactive, but cannot accept the allegation that the Constitution is applied in a retroactive manner;
  3. Take further steps to tackle impunity, including independent investigations of killings by security forces (United Kingdom): The judiciary in the Dominican Republic is constitutionally independent and its investigations and decisions are impartial and objective;
  4. Adopt measures to ensure that Dominican of Haitian descent are not denied citizenship or access to civil and birth registration procedures and are not arbitrarily subject to retroactive cancellation of birth and identity documents (United States): This is not acceptable because, as noted earlier, application of the law is not retroactive in the Dominican Republic. In addition the Constitution of the Dominican Republic is not subject to interpretation as to who is or is not a Dominican;
  5. Apply consistent and non-discriminatory citizenship policies and practices (Canada).

**90. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as being endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of the Dominican Republic was headed by Dr. Max Puig, Secretary of State of Labour and composed of 20 members:

- Dr. Max Puig, Secretario de Estado de Trabajo, Presidente de la Delegación;
- Sr. Homero Luis Hernández Sánchez, Embajador, Representante Permanente ante las Naciones Unidas;
- Dra. Leyda Margarita Piña Medrano, Magistrado de la Junta Central Electoral;
- Dr. John NGuiliani Valenzuela, Magistrado de la Junta Central Electoral;
- Dr. Jose Aquino, Magistrado de la Junta Central Electoral;
- Dra. Rhadys Abreu de Polanco, Embajadora Encargada de la Sección de Derechos Humanos para el Sistema de las Naciones Unidas;
- Sr. Juan Manuel Mercedes Graciano, Ministro Consejero, Misión Permanente ante las Naciones Unidas;
- Sr. Vernon Cabrera, Subsecretario de Estado de Educación;
- Dr. Santo Miguel Román, Subdirector General de Migración;
- Sr. Fernando Ferrán, Embajador Adscrito a la Secretaría de Estado de Relaciones Exteriores;
- Lic. Faustino Jiménez, Director Ejecutivo del Instituto Azucarero Dominicano;
- Sr. Carlos Guerrero, Consultor Jurídico de la Dirección General de Prisiones;
- Sr. Pelegrin Castillo, Diputado, Representante de la Cámara de Diputados;
- Sr. Julio B. Garcia, Encargado del Departamento Penitenciario Consular de la Dirección General de Prisiones;
- Dr. Angel Luis Alvarez, Encargado de Planes y Proyectos del Consejo Nacional para la Niñez y la Adolescencia (CONANI);
- Coronel Abogado Dr. Esteban Castillo Vásquez, E.N. Asesor Legal de la Escuela de Graduados de Derechos Humanos de las Fuerzas Armadas;
- Dra. Josefina Alt. Ivelisse Corneille, Asesora y Coordinadora General de la Escuela de Graduados de Derechos Humanos de las Fuerzas Armadas;
- Coronel Abogado Dr. Victor Bienvenido Cruz Fabian, Subdirector del Instituto de Dignidad Humana de la Policía Nacional;
- Dra. Irma Nicasio, Asesora del Poder Ejecutivo en Política de Género;
- Lic. Giselle Otero, Representante de la Secretaría de Restado de Trabajo ante la Comisión Interinstitucional de Derechos Humanos;
- Lic. Elvin Arias, Encargado de la División General de Subasta de la Dirección General de Bienes Nacionales.