

Responses to Recommendations

DOMINICAN REPUBLIC

Review in the Working Group: 1 December 2009
 Adoption in the Plenary: 17 March 2010

Dominican Republic's responses to recommendations (as of 01.04.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
43 REC accepted; 5 rejected; 31 pending	No addendum	In its concluding statement, and after a request for clarification by the President of the HRC, the delegation declared that 74 REC out of 79 were accepted and the remaining ones were rejected in the Report of the Working Group.	Accepted: 74 Rejected: 5 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/13/3:

“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:

A - 1. Improve further the situation of children, boys and girls alike, through the necessary review of laws and regulations (Holy See);

A - 2. Promptly designate the person who will occupy the position of Ombudsman (*Defensor del Pueblo*) (Peru);

A - 3. Review its domestic policies and practices to ensure full compliance with the Convention on the Rights of Persons with Disabilities (Canada);

A - 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);

A - 5. Strengthen the human rights protection of all inhabitants of the Dominican Republic, including migrants (Chile);

A - 6. Continue successfully implementing affirmative measures in order to guarantee gender equality and all its ensuing consequences (Cuba);

A - 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 analyzing 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);

A - 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);

A - 9. Adopt comprehensive strategies to combat racism, including specific measures on the status and protection of persons of Haitian origin (Belgium);

A - 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);

A - 11. Consider taking appropriate measures to eliminate racial discrimination and recognize Africans and people of African descent as part of the Dominican society (Nigeria);

A - 12. Strengthen efforts to eliminate discrimination and racism, in line with paragraph 35 of the national report (Ghana);

A - 13. Adopt specific criminal legislation for the protection of women's rights (Brazil);

A - 14. Prohibit corporal punishment of children in all settings (Slovenia);

A - 15. Strengthen efforts to effectively combat violence against women (Azerbaijan);

A - 16. Continue to investigate the different forms of violence against women and to take adequate measures against it (Holy See);

A - 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);

A - 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);

A - 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);

A - 20. Implement compulsory training programmes for all relevant officials on how to identify, deal with and protect the victims of gender-based violence (Netherlands);

A - 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);

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

A - 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);

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

- A - 25. Continue implementing programmes in the area of upgrading penitentiary centres, social reinsertion and prevention of recidivism (Colombia);
- A - 26. Continue its programme of prison modernization, ensuring thorough staff training and investigations of alleged staff misconduct (United Kingdom);
- A - 27. Invest in and upgrade human rights training of the police and the staff of penal institutions (Germany);
- A - 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);
- A - 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);
- A - 30. Continue to implement policies for the eradication of poverty (Turkey);
- A - 31. Continue the national plans and strategies to reduce poverty and food insecurity in the country (Azerbaijan);
- A - 32. Continue ongoing efforts to guarantee universal access to healthcare to the population (Cuba);
- A - 33. Continue making progress in expanding the coverage for the Subsidized Family Health Insurance Scheme and the Contributory Family Health Insurance (Colombia);
- A - 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);
- A - 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);
- A - 36. Include intercultural education in school curricula (Egypt);
- A - 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);
- A - 38. Continue providing access to quality education without discrimination for the population of school age throughout the country (Bolivia);
- A - 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);
- A - 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);
- A - 41. Take the necessary measures to get the activities of the Haitian- Dominican Joint Commission going again (Haiti);
- A - 42. Take further action to protect the rights of migrants in view of the persistent reports on violations of the rights of migrants (Ghana);

A - 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:

A - 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 of Punishment and its Optional Protocol (Chile; Belgium; Brazil; Netherlands; Azerbaijan; Spain; Netherlands; Italy; Peru);

A - 2. Sign and ratify (Chile)/accede to (Italy) the Second Optional Protocol to the International Covenant on Civil and Political Right (Chile; Italy);

A - 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);

A - 4. Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Brazil);

A - 5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);

A - 6. Sign and ratify as quickly as possible the International Convention for the Protection of All Persons from Enforced Disappearance (France);

A - 7. Ratify international human rights instruments that the Dominican Republic is not yet a party to (Peru);

A - 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);

A - 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);

A - 10. Continue making progress by ratifying ICRMW (Colombia);

A - 11. Ratify the Convention on the Reduction of Statelessness and sign and ratify the Convention relating to the Status of Stateless Persons (Canada);

A - 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);

A - 13. Improve cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports (Norway);

A - 14. Extend an open and permanent invitation to all United Nations special procedures (Brazil; Chile; Latvia), in addition to the existing cooperation (Brazil);

A - 15. Consider favourably the request for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions (Norway; Netherlands);

A - 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);

A - 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);

A - 18. Establish an independent oversight body to investigate complaints of police abuse and human rights violations (Netherlands);

A - 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);

A - 20. Intensify programmes of human rights education with a view to fight racist prejudices and to start such programmes already at school level (Germany);

A - 21. Step up its efforts in the area of education and human rights training (Morocco);

A - 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);

A - 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);

A - 24. Strengthen the coordination between the National Police and the Public Prosecutor's office (Netherlands);

A - 25. Take all necessary measures to put an end to discrimination against gays, lesbians and transsexuals (France);

A - 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);

A - 27. Seek technical assistance in the field of violence against children (Slovenia);

A - 28. Increase the number of competent personnel in the Public Prosecutor's office working to combat violence against women (Netherlands);

A - 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);

A - 30. Encourage full implementation of the 2004 Children's Code, in the area of education, prevention and reinsertion (Spain);

A - 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:

R - 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;

R - 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:

R - 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;

R - 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;

R - 5. Apply consistent and non-discriminatory citizenship policies and practices (Canada).”

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