

Children's Rights in the Dominican Republic

**Stakeholder Report - Submission by World Vision Dominican Republic
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Summary

The Dominican Republic is a State party to the Convention on the Rights of the Child and the Optional Protocol on the Sale of children, child prostitution and child pornography. The Dominican Republic most recently reported to the Committee on the Rights of the Child in February 2008. The Committee noted on-going concern with some concerns regarding children's rights, including ill-treatment and violence against children, protection from abuse, and neglect and child labour and trafficking. The situation for Dominican children of Haitian descent remains subject to discriminatory practices, particularly with respect to birth registration.

Education

Although education is free, universal, and compulsory for all minors up to the 8th grade, in practice free education is only provided for primary schooling up to the fourth grade. Despite a recent decline in the still high dropout rate, the Ten-Year Education Plan for the period from 2007 to 2017 indicates that only 68 per cent of children are expected to complete grade 8, and less than half will complete secondary school. In some cases, the high dropout rate is in part attributable to a lack of parental support for schooling.

Health

The adult prevalence of HIV in the Dominican Republic is 1.1 percent, and UNAIDS estimates (2008) that 62,000 Dominicans are HIV-positive, 2,700 of them children aged from 0 to 14. The epidemic is reportedly currently stabilized. In 2007, 31% of adults and children with advanced HIV infection were receiving antiretrovirals.

Heterosexual intercourse is reported to be the primary form of transmission of the disease, accounting for 81 percent of HIV infections in 15 to 44 year olds of both sexes. It is possible that the number of infections resulting from males having sex with males may be higher due to social stigma connected with homosexual activity. The level of knowledge that young people have as to how to protect themselves from HIV/Aids remains low.

Access to basic health services remains difficult for many poor and rural people due to the location and costs involved. Maternal and child mortality rates are high.

Child labour

Although the law prohibits the employment of children under the age of 14, and places restrictions on the employment of children under 16, child labour remains a serious concern. UNICEF estimates that 9.7 % of children between 10 and 17 work illegally in the informal sector – in small businesses, domestic households and agriculture. Some reports claim that school-aged children of Haitian descent are employed to work in the households or family businesses of Dominican families in a situation of indentured servitude.

The Government is working with the ILO to eliminate the employment of children in hazardous agriculture in rice-growing regions. Over 200 labour inspectors have been employed and have received special training to locate and eliminate illegal child labour, however child labour persists.

Commercial Sexual Exploitation of children

The commercial sexual exploitation of children, mainly resulting from economic needs, remains a concern especially in popular tourist destinations. The Government is working with the ILO to combat the sexual exploitation of children, including through raising awareness of it in airports and tourist locations such as Boca Chica, Sosua, and Las Terrenas. Programmes to assist victims provide psychological support and medical assistance, access to education, and reunite children with their families and communities where possible. Legal assistance is provided to child victims to assist with the conviction of sex exploiters.

Trafficking

Men, women, and children are trafficked to, from, and within the country. Reports estimate that between 17,000 and 33,000 Dominican women abroad have been victims of trafficking. Principal destination countries are in Western Europe, Argentina, Brazil, and Central American and the Caribbean. Women 18 to 25 years of age are at the greatest risk of being trafficked, particularly single mothers with low levels of education seeking to improve the living conditions of their children. Victims of trafficking within the borders of the Dominican Republic include women or adolescent children taken to urban or tourist areas for sexual exploitation. According to the International Organisation for Migration, there are hundreds of small trafficking rings within the country who coerce or defraud the victim by offering some form of employment, and obtain identification and travel documents for them.

Law 137-03 against trafficking includes penalties for traffickers of 15-20 years' imprisonment and a fine of up to 175 times the monthly minimum wage. The Code for Minors provides penalties for sexual abuse of children of 20-30 years' imprisonment and fines from 100-150 times the minimum wage.

In October 2007 the government established the National Commission against Trafficking in Persons, charged with developing a national strategy to combat trafficking and improve

victim protection, but as yet, this Commission has not yet been approved nor funded. Without programmes in place to combat trafficking and sexual exploitation of persons, these human rights continue to be violated.

Violence and sexual exploitation

The Dominican Republic experiences an increasingly high level of societal violence, particularly in urban areas. Act No. 136-03 provides definitions of physical abuse and physical harm, but does not explicitly prohibit corporal punishment by parents. Estimates suggest that approximately 50 per cent of teachers and parents punished children physically. In 2008, CONANI – the National Child Council - reported 20 cases of sexual abuse, 46 cases of physical abuse, and 47 cases of commercial sexual exploitation of children under the age of 18 in orphanages. However, in most abuse cases, the accused is a person known to the child – a family member or friend of the family. Very few cases are taken to court due to a lack of economic resources, lack of knowledge about accessing legal assistance, and social norms, which usually result in such situations being considered domestic concerns.

Discrimination against children of Haitian descent

At least half a million immigrants – comprising more than 5 % of the population of the Dominican Republic - live and work principally in agriculture and construction, carrying out lowly paid and often hazardous work. Between 20,000-30,000¹ are expelled every year with no chance to appeal as a result of systematic discrimination because of their race, skin colour, language and nationality. Many have valid work permits and visas and some are in fact Dominicans, with no family ties in Haiti.

Birth registration

Although legislation requires that all newborn children must be registered, estimates suggest that 1 in 5 of children born in country are not registered, for a variety of reasons including the unlawful status of their parents in the country, fear of expulsion, lack of parental documents, special requirements for certain groups of parents, high costs and bureaucratic inefficiency. Certain groups are particularly affected, including the extremely poor, Haitian migrants and teenage mothers.

According to the Constitution of the Dominican Republic, every person born in the country has the right to citizenship. The exceptions are children born to diplomats or those "in transit." The government regularly uses the "in transit" exception to deny registration as nationals, to children born in the country to parents of Haitian descent, even when their parents and grandparents have resided in the country for long periods of time. In 2005 the Supreme Court ruled that transit status applied to children of undocumented migrants.

In March 2007 the Government issued an administrative instruction ordering officials to refrain from issuing, signing, and providing official copies of birth documents for individuals

¹ Amnesty International - Dominican Republic: Challenging discrimination in the Dominican Republic: Protecting the rights of Haitian migrant workers and their descendants – 9 November 2008

whose parents were foreigners and had not legally proven their residency. This policy is even being applied retroactively with the result that some Dominicans of Haitian descent are now being stripped of their citizenship when their birth and identity documents have been cancelled – some even dating back to the 1970s.

Information provided to the Committee on the Rights of the Child reported that since April 2007, pink declarations confirming births had been issued and sent to the embassy of the country from which the mother or other members of the family might have come, even though the mother might have no ties to that country, which was often Haiti. The consequence was that the child did not acquire any nationality, because an undocumented mother might be regarded as “in transit”, depriving her children of their right to a nationality provided under article 7 of the Convention of the Rights of the Child.

The promulgation of Act No. 659 is a welcome step. This Act allows all children access to education up to 6th grade, regardless of whether they have birth certificates or not. However, unregistered children of Haitian descent cannot attend public school beyond 6th grade, are denied public health insurance, and cannot get a work permit.

Recommendations:

The Government must implement without further delay the recommendations made by the Committee on the Rights of the Child following the examination of the report of the Dominican Republic in 2008.

In particular:

The Government must implement the recommendation to develop and strengthen its data collection system, with a view to covering all areas of the Convention on the Rights of the Child, with a specific emphasis on vulnerable groups of children, including children of Haitian origin born in the State party's territory or belonging to Haitian migrant families, as a basis for assessing the progress achieved in the realization of children's rights and in order to help design policies for better implementation of the provisions of the Convention.

The Government must implement the recommendation to revise all laws and make changes necessary, including through public campaigns, to assure equal treatment of all children without discrimination on the grounds of colour, sex, ethnic or social origin or disability.

The Government must take measures to put an immediate end to collective and mass expulsions, and end discriminatory policies which prevent Dominicans of Haitian descent from obtaining Dominican nationality

All children should be guaranteed the right to be registered at birth as soon as possible afterwards, through a simplified procedure, which is both free and available without discrimination.

The Government should establish administrative units responsible for monitoring and analysing the actual situation with respect to school attendance, and the quality of education provided. Families must be educated about the need to ensure that their children attend school, with particular measures targeted at children of Haitian descent and those living in rural areas.

Greater resources must be allocated to educate the population, particularly young people how to protect themselves from contracting HIV/Aids. Access to basic health services should be improved, particularly in rural areas and with a view to reducing rates of infant and maternal mortality.