



General Assembly

Distr.: General
8 November 2013

Original: English/Spanish

Human Rights Council

Working Group on the Universal Periodic Review

Eighteenth session

27 January–7 February 2013

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Dominican Republic*

The present report is a summary of 18 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. AI pointed out that of the Conventions that the Dominican Republic agreed to sign and ratify during the last review, it has only ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in January 2012.² JS3-CDPM recommended accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.³ JS11-WCADP urged the Dominican Republic to ratify/accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁴ JS6-CODHMU encouraged the State to ratify the International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156), the ILO Maternity Protection Convention, 2000 (No. 183) and the ILO Domestic Workers Convention, 2011 (No. 189).⁵

2. Constitutional and legislative framework

2. JS4-CDyT drew attention to the promulgation of a new Constitution on 26 January 2010, which redefined fundamental rights and included substantive principles and values.⁶ JS4 also pointed out that, for the first time, it was recognized in the Constitution that the Dominican Republic was a social and democratic State governed by the rule of law, based on respect for fundamental rights, separation of powers and respect for human dignity, but that the Dominican people did not play an active role in formulating public policy.⁷ JS4 stated that, in 2013, there continued to be delays in the process of bringing legislation in line with the new Constitution, including laws governing the mechanisms for direct participation, such as referendums and plebiscites, as well as laws for the protection of victims and witnesses, monitoring of the legality of the public administration, prescription and proceedings for crimes of corruption, accountability of the judiciary, proceedings for the termination of ownership and penitentiary law.⁸

3. JS2-CDSC recommended that the State should classify enforced disappearance and extrajudicial execution as crimes.⁹ CEJIL recommended to fully implement the judgement in the case of Narciso González Medina and therefore to guarantee adequate investigations into forced disappearances, including by enacting reforms to domestic laws and institutions as necessary.¹⁰

4. CEJIL stated that the government has implemented a series of legislative acts and constitutional changes that have intensified discrimination against Dominicans of Haitian descent.¹¹ OSJI recommended to review and amend the 2010 constitutional provisions regarding nationality as well as the 2004 General Law on Migration to ensure that they fully respect the principle of non-discrimination, and ensure access to citizenship irrespective of a person's ethnicity or their parents' national origin.¹²

5. JS5-CLGBTTI recommended the promulgation of, inter alia, an anti-discrimination law covering discrimination on the grounds of sexual orientation and gender identity and a law on gender identity as well as the adoption of legislative measures prohibiting discrimination on the grounds of sexual orientation, gender identity and gender expression.¹³

3. Institutional and human rights infrastructure and policy measures

6. JS4 recommended strengthening the independence of the branches of government and the functional independence of the Public Prosecution Service, strengthening the system of political parties to ensure a system of checks and balances, improving systems for monitoring and controlling public funds and contributing to the empowerment of civil society for social control, accountability of civil servants and transparency in public administration.¹⁴

7. JS2 noted that the Ombudsman had been appointed after a 12-year wait.¹⁵ JS7 referred to the institutional fragility of the bodies responsible for safeguarding rights, the lack of autonomy, independence and impartiality of the Office of the Ombudsman and the need for transparency in that Office's selection procedures.¹⁶ AI recommended to provide adequate resources to the Office of the Ombudsman and to strengthen it in line with the Paris Principles governing national human rights institutions.¹⁷

8. JS2 noted that the State had not drawn up or implemented a national human rights strategy in accordance with recommendation 87.4 of the previous universal periodic review¹⁸ and recommended that it draw up and implement a national human rights plan in cooperation with civil society as well as a plan for the protection of human rights defenders at risk.¹⁹

9. JS2 mentioned that the State had two institutions providing human rights education, one for the police and the other for the Ministry of the Armed Forces, and expressed concern as to their effectiveness.²⁰

10. JS7-COPI recommended that the State should set up the mechanism for intersectoral coordination, planning, supervision, monitoring, civil participation and civil enlistment for the protection of families and children and establish transparent processes for budgets related to children.

B. Cooperation with human rights mechanisms

Cooperation with special procedures

11. JS2 noted that the Dominican Republic had not extended an open or standing invitation to the United Nations special procedures and had not agreed to a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions.²¹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

12. JS1-CDERNA stated that the systematic denial of the right to nationality for children born in the Dominican Republic to foreign mothers in an irregular situation had created marginalization, social exclusion and extreme poverty²² and noted that without those documents they could not register the birth of their children, continue with their secondary studies or enrol in university.²³ OSJI mentioned the effects on labour rights²⁴ and reported, inter alia, that Dominicans of Haitian descent cannot travel freely, cannot vote in local or national elections, or participate as candidates, affecting rights such as equality before the law, right of political participation and the right to recognition as a person before the law.²⁵ CEJIL highlighted implications for freedom of movement, and access to justice²⁶ and AI referred to the risk of arbitrary detention and mass expulsion without judicial review.²⁷

13. JS3 said that raids, mass deportations and repatriation were conducted using discriminatory criteria and detentions were carried out on the basis of phenotypical criteria.²⁸

14. AI stated that on the basis of directives issued by the Central Electoral Board, thousands of Dominicans of Haitian descent have been denied access to identity documents, and that this has also led to arbitrary removal from civil registry of persons born and recognized as Dominicans.²⁹ OSJI affirmed that Dominicans of Haitian descent who have been denied formal recognition of their Dominican nationality (including many of those previously recognized and documented as Dominican nationals), are considered “illegal residents” and, as a result, their children have no constitutional right to Dominican nationality.³⁰ OSJI informed that in the Dominican Republic, children of foreign mothers are provided with birth certificates of a different colour and inferior status to those given to Dominican mothers.³¹

15. With regard to the birth register (known as the “Immigration Registry”), JS1 reported that consideration was still being given to the establishment of a system for the registration and administration of foreign nationals although it was not clear whether the system was reliable, legal or secure.³²

16. JS1 reported that, in 2011, the National Civil Registry Office had issued Circular 32-11, enabling persons affected by Resolution 12-07 of the Central Electoral Board-JCE (which provided for the provisional suspension of civil status documents that showed signs of irregularities)³³ to obtain duplicates of their birth certificates for a period, but that the circular had not been implemented in all offices and there continued to be cases of refusal to issue documents.³⁴ OSJI stated that in a 2011 case concerning JCE’s refusal to issue a certified copy of a birth certificate to a Dominican of Haitian descent, the Supreme Court upheld JCE’s actions.³⁵

17. With regard to the civil register, JS1 recommended abolishing discriminatory administrative measures and policies and guaranteeing that all children could be registered without distinction.³⁶ AI recommended to avoid retroactive application of the General Law on Migration and of the Constitution, to ensure full compensation to the persons affected by the aforementioned directives and to recognize citizenship of those who had it at the time of their birth.³⁷ OSJI also referred to the right to an effective remedy³⁸ and recommended to implement transparent, non-discriminatory procedures with respect to birth registration and personal identification, and guarantee due process by including written notifications and records of investigations, written explanations for decisions given and opportunities for appeal.³⁹

18. JS8-IIMA-VIDES reported that there continued to be cases of discrimination against women⁴⁰ in all sectors and recommended conducting awareness-raising campaigns against machismo.⁴¹

19. JS5 emphasized that the State had not established public policies or legislation against discrimination on the grounds of sexual orientation.⁴² JS5 asserted that the constitutional prohibition on equal marriage legally excluded that sector of the population.⁴³

20. With regard to gender equality, JS1 stated that progress included the constitutional recognition that Dominican women transmitted Dominican nationality to their children by *jus sanguinis*, the permission granted to women to acquire Dominican nationality by marriage and the automatization of the Dominican civil register, noting that it remained to be seen how it would be implemented.⁴⁴

21. JS1 stated that, although constitutional and legislative progress had been made in the 2009–2013 period,⁴⁵ discriminatory measures and practices persisted towards children of Haitian immigrants born in Dominican territory,⁴⁶ who were denied the right to nationality

and faced deficiencies in the civil register, the implementation of the birth register (“Immigration Registry”),⁴⁷ administrative denationalization⁴⁸ and discriminatory policies by the Dominican State.⁴⁹

2. Right to life, liberty and security of person

22. JS2 stated that homicides committed by the police accounted for 12 per cent of violent deaths annually, according to the Office of the Prosecutor General.⁵⁰ AI affirmed that according to the Office of the Prosecutor General, 2,663 persons were killed by the police between 2005 and 2012,⁵¹ and that interviews carried out by AI, as well as newspapers and NGO reports, suggest that in many cases police officers fail to comply with international standards and domestic law and use force that is disproportionate to the threat they face.⁵² JS2 also referred to enforced disappearances and abuses committed by law enforcement officials as well as arbitrary detention and torture of detainees, both of which were used against human rights defenders and journalists.⁵³ JS2 mentioned a number of State initiatives⁵⁴ and noted that there was a lack of statistics on those abuses as well as a lack of effective investigations.⁵⁵

23. JS6 emphasized that, according to the Office of the Prosecutor General, 1,580 women had been the victims of femicide between January 2005 and December 2012.⁵⁶ JS8 stated that, despite a law protecting women against violence, a large number of women were the victims of violence, and recommended increasing funding for protection programmes and for the establishment and operation of shelters and support centres for victims.⁵⁷ JS6 recommended increasing funding, decentralized and distributed fairly at the national level, for preventing and dealing with violence against women and girls, setting up more shelters, paying greater attention to the phenomenon of violence against women and girls in the National College of Magistrates and the College of the Public Prosecutor’s Office, and defining public policies for prevention, including egalitarian education in the public and private spheres.⁵⁸ AI recommended to implement the Strategic Plan for the Prevention, Detection, Support and Punishment of Violence against Women and Domestic Violence, 2011–2016, adopted in April 2011.⁵⁹

24. JS8 noted that progress had been made in combating sexual exploitation and trafficking in persons, but observed that such offences persisted and recommended, inter alia, adopting the necessary measures to fight against impunity of those responsible for sexual exploitation, trafficking in minors and child pornography.⁶⁰ JS7 recommended implementing the mechanisms for intersectoral coordination, planning, supervision, monitoring, civil participation and civil enlistment established in Act 136-03 for the protection of children.⁶¹ JS7 also recommended, inter alia, the full implementation of, and allocation of resources to, the local committees for the protection and restoration of rights and training and awareness-raising for public servants who dealt directly or indirectly with children.⁶² With regard to trafficking in migrants, JS3 noted that it was necessary to adopt public policies to eradicate the practice and bring those responsible to justice, to ensure proper classification of the practice as an offence⁶³ and to adopt public policies to provide shelters for migrant women.⁶⁴

25. JS6 emphasized the existence of high rates of sexual harassment and recommended amending the Criminal Code to encompass a broader definition, approaching the act from the standpoint of obstructing the exercise of functions, regardless of hierarchical relationships.⁶⁵

26. JS5 stated that members of the national police and military forces committed illegal arrests, extortion and even sexual violence against the lesbian, gay, bisexual, transsexual, transgender and intersex community (LGBTTI).⁶⁶ JS5 recommended that the State should devise a campaign for the prevention of violence against the LGBTTI community and develop effective penalties.⁶⁷

27. JS7 pointed out that, despite the fact that Act 136-03 criminalized violence against children and adolescents, a worrying number of children were victims of violence, including corporal punishment, although no relevant data were available.⁶⁸ GIEACPC stated that, despite the Government's commitment to prohibit it in all settings (UPR-2009),⁶⁹ there has been no change in the legality of corporal punishment, and children are legally protected at times, while the new Constitution does not explicitly prohibit all corporal punishment and there is no provision for judicial corporal punishment in criminal law.⁷⁰ JS8 welcomed the establishment in all provinces of tribunals for the defence of minors and programmes for abandoned children⁷¹ and recommended reviewing the legal framework, promoting programmes to assist vulnerable children and conducting awareness-raising campaigns.⁷²

28. With regard to the prison system, JS2 drew attention to the high rate of overcrowding of 600 per cent, a lack of hygiene and conditions for persons with disabilities.⁷³

29. JS2 expressed concern at the increase in the number of civilians owning and carrying small arms and light weapons⁷⁴ and the fact that public policies for the prevention of violence were virtually non-existent.⁷⁵

3. Administration of justice, including impunity, and the rule of law

30. JS2 indicated that the State had not adopted additional measures to tackle impunity, including independent investigations of killings by security forces, as mentioned in recommendation 89.3; although some law enforcement agents had been prosecuted and convicted, that had not happened in the majority of cases, and in addition only low-ranking staff had been prosecuted, with many cases going unpunished if more senior officers were involved in the crime.⁷⁶ JS2 referred to the low level of public confidence in the judiciary.⁷⁷ JS2 recommended collecting statistics on complaints, cases processed in the justice system and convictions by the Office of the Prosecutor General and the judiciary, in respect of arbitrary detentions, enforced disappearances, extrajudicial killings and torture by law enforcement agents, disaggregated by sex, sexual orientation, place of the events, ethnicity, age, place of origin, nationality and skin colour of the victim.⁷⁸

31. AI highlighted that although the Dominican Republic supported recommendations to establish an independent oversight body to investigate complaints of police abuse and human rights violations, no action has been undertaken to implement these.⁷⁹ JS2 recommended including victims and witnesses of such violations in the protection programme, establishing a reparations programme and developing statistics on cases of human rights violations by State agents.⁸⁰ JS2 recommended effective police reforms based on human rights, quality professional training, suitable working conditions, professional development and control mechanisms.⁸¹

32. AI noted that current legal provisions only ensure compensation and restitution to victims of human rights violations and their families, thereby falling short of international standards, which include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. AI highlighted that the Institutional Law on the National Police recognizes only the personal — not institutional — responsibility of members of the police for unlawful actions carried out while on duty and that the new draft Criminal Code presented in June 2013 expressly absolves the Dominican State of any criminal responsibility.⁸²

33. CEJIL recommended to comply fully with two judgements of the Inter-American Court on Human Rights (IACtHR) regarding the Government's continued discrimination against Dominicans of Haitian descent and their right to nationality, including guaranteeing non-discriminatory birth registration.⁸³ AI stated that the new constitutional nationality

provision directly contradicts the 2005 ruling of the IACtHR in *Dilcia Yean and Violeta Bosico v. Dominican Republic* according to which the migratory status of a parent should have no bearing on a child's right to nationality.⁸⁴ The Inter-American Commission on Human Rights (IACHR) stated that the Benito Tide Mendez et al. case was sent to the Inter-American Court of Human Rights in June 2012 because it considered the State had not complied with the IACHR's recommendations, inter alia, to review domestic legislation on inscription and granting of nationality to persons of Haitian descent born in Dominican territory and repeal those provisions that directly or indirectly have a discriminatory impact based on race or national origin.⁸⁵

34. JS4 drew attention to progress made in the adoption of a constitutional normative and legal framework to increase transparency in the management of public funds, although the same could not be said for compliance and implementation, where there were low levels of institutionality, a lack of transparency and a high level of perceived corruption and impunity.⁸⁶ JS4 observed that the prosecution, investigation, trial and conviction of public servants had not been possible⁸⁷ and that the bodies responsible for prosecution to combat corruption were not functionally independent.⁸⁸

35. JS7 noted that the judicial system was not adequately structured to deal rapidly and effectively with the large number of complaints of violence against women.⁸⁹

36. JS5 drew attention to barriers to access to justice for the LGBTTI community.⁹⁰

4. Right to marriage and family life

37. JS1 noted that as Dominicans of Haitian descent were denied their identity documents, they were not in a position to register their children and were also prevented from marrying.⁹¹ JS5 mentioned that the constitutional prohibition of egalitarian marriage legally excluded and discriminated against that sector of the population, and highlighted the lack of legislation on the recognition of children of same-sex couples.⁹²

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

38. JS5-CLGBTTI reported that there were cases in which permission for a gay pride parade had been refused, and the police had denied the LGBTTI community its right of assembly.⁹³

39. JS2 highlighted that, in 2012, there had been 25 complaints and cases brought to justice for physical and verbal aggression against members of the press by officials, law enforcement agents and civilians.⁹⁴

40. JS4 stated that the establishment of the Supreme Electoral Tribunal following the constitutional reform of 2010 was considered a major step forward.⁹⁵ JS4 recommended implementing effective governance, monitoring and accountability mechanisms in order to reduce exclusion errors and prevent cronyism and abuse of power.⁹⁶

41. JS4 noted that presidential elections had been held in 2012 even though the Electoral Act had not been amended on the basis of the 2010 Constitution and legislation on political parties and regulations on the financing, propaganda and scope of election campaigns had not been approved.⁹⁷ JS4 drew attention to inequalities for emerging options given that majority parties had much greater funding, which impeded equal access to political participation.⁹⁸

6. Right to work and to just and favourable conditions of work

42. JS6 reported the persistent prevalence of high female unemployment and recommended developing public employment policies to promote female employment,

defining indicators of wage and employment inequalities between men and women,⁹⁹ promoting shared responsibility for domestic work and childcare, and introducing a system of quotas in the private sector.¹⁰⁰

43. JS6 recommended guaranteeing labour rights for migrant workers in rural and domestic employment regardless of their migration status, guaranteeing social security for all women who worked in the informal sector as well as housewives and appropriately regulating the working hours of domestic workers.¹⁰¹

44. JS3 referred to the fact that racial prejudice carried a lot of weight in the employment sector, where physical profile was considered among the attributes needed for working life,¹⁰² and that there had been violations of the right to dignity and discriminatory practices against domestic workers.¹⁰³

45. JS5 noted that the LGBTTI community was discriminated against in the labour sector, where practices such as harassment, humiliation, pressure to marry in order to be promoted and dismissal from work were common,¹⁰⁴ and there were no public policies or legislation against homophobia.¹⁰⁵

7. Right to social security and to an adequate standard of living

46. JS4 stated that government policies had exacerbated poverty and that conditional money transfer programmes would have a beneficial effect if they were used transparently and for the purposes for which they had been created.¹⁰⁶ JS4 recommended that the effectiveness of those programmes should be strengthened in order to eradicate the high levels of poverty among the most vulnerable sectors.¹⁰⁷

47. AI expressed serious concern over the high number of forced evictions, as well as the manner in which these are carried out, and mentioned that in order to make land available for the construction of infrastructure, tourist estates and industrial complexes, evictions are executed without due process or consultation with the affected communities, and excessive use of force by the police is common.¹⁰⁸ AI recommended adopting measures to promote security of tenure and promote equal access to housing resources, as well as to ensure that evictions are carried out in conformity with international human rights standards.¹⁰⁹

8. Right to health

48. JS10-Profamilia e Iniciativa por los Derechos Sexuales noted that the maternal mortality rate in the Dominican Republic was disproportionately high.¹¹⁰ JS10 observed that, although according to medical audits 80 per cent of deaths could be avoided if problems concerning the quality of medical and hospital care were resolved, the country was far from achieving the Millennium Development Goals target of reducing the maternal mortality rate by 75 per cent by 2015.¹¹¹

49. JS8 noted with concern that the number of adolescent mothers was very high¹¹² and recommended that health services should be guaranteed for adolescents, particularly reproductive health and sex education programmes.¹¹³ JS10 recommended making properly equipped services available, providing ongoing and updated training for health workers and correctly implementing care standards and protocols, with monitoring instruments to ensure compliance¹¹⁴ as part of a strategic plan for the reduction of maternal and infant mortality.¹¹⁵

50. JS10 stated that the absolute prohibition of abortion under criminal law obstructed or hindered medical care for women who went to health-care facilities with incomplete or complicated abortions¹¹⁶ and was an obstacle to evaluating the incidence and impact on women's health,¹¹⁷ although it was the third leading cause of maternal mortality.¹¹⁸ JS6

asserted that the State continued to deny women the right to make decisions about their reproductive health, even if the pregnancy endangered the woman's life, and recommended decriminalizing abortion in specific cases such as rape, incest and danger to the mother's life, as well as monitoring the application of medical procedures before and after birth and creating a special maternity insurance for women with limited resources.¹¹⁹ AI recommended to reform the Penal Code and to dedicate adequate resources for the full implementation of the National Strategic Plan for the Reduction of Maternal Mortality.¹²⁰

51. JS5 recommended that public policies should be drawn up to address the needs of LGBTTI in the area of sexual and reproductive health as well as transgender men living in the country, and to provide user-friendly health services for the LGBTTI community as a whole.¹²¹

9. Right to education

52. JS8 recommended that the State party should continue to strengthen education policy to guarantee education for all children, to ensure access to secondary school for all children, and knowledge of children's rights and the full implementation of the 2004 Children's Code.¹²² OSJI mentioned the effects on labour rights,¹²³ and access to education by Dominican children of Haitian descent without birth certificates or identity documents who are unable to attend school or obtain secondary education.¹²⁴

53. JS5 recommended that public education should be secular and that a request should be made for the Ministry of Education's Affective Sex Education Programme to include in the State educational curriculum issues related to sexual diversity.¹²⁵

54. JS6 drew attention to progress made in the integration of women into education at all levels, although the education system reproduced prejudices, and recommended including sex education and implementing programmes on non-sexist education at all levels of the public and private school system, with a gender and human rights-based focus promoting the eradication of sexism in the Dominican education system and the promotion of concepts, values and principles that countered gender stereotypes.¹²⁶ JS6 reported that the adolescent pregnancy rate was high, and that although Act 163-03 provided for the right to health information, including sexual and reproductive health and programmes on preventive health in that regard, the General Education Act did not contain any provisions in that regard for the education system.¹²⁷

10. Persons with disabilities

55. JS9-OPcD highlighted the situation of social and economic exclusion and discrimination faced by persons with disabilities and the fact that violations against them were ignored,¹²⁸ their exclusion from the education system, health system and labour market,¹²⁹ their lack of access to justice¹³⁰ and the absence of statistical indicators and data,¹³¹ with a State approach that had been geared towards limited social assistance or private charity, and not set in the context of promoting the rights of the person, which tended to exacerbate injustice and inequalities.¹³²

56. JS9-OPcD pointed out that the Organic Act on Equal Rights of Persons with Disabilities was an instrument that responded to demands for greater inclusion and respect for the rights of persons with disabilities, although targeted action was needed to implement it, such as regulation and due compliance, which should be accompanied by penalties for violations.¹³³ JS9 also recommended conducting a rigorous study of the situation of persons with disabilities, drawing up a plan of action, and establishing an independent national institution for the implementation of the Convention on the Rights of Persons with Disabilities and a national accessibility plan.¹³⁴

11. Migrants, refugees and asylum seekers

57. JS3 stated that, in relation to migrants, there had been reports of acts of violence, intimidation, arbitrary detention, house raids, collective repatriation, separation of families, obstruction of access to justice, prohibition of the recovery of assets, salaries or personal effects, labour exploitation and trafficking of persons and minors, all in the context of discrimination by State agents and sectors of the Dominican population.¹³⁵

58. JS3 referred to systematic and widespread collective deportations, without due process from the time of detention and deprivation of liberty up until expulsion from Dominican territory, with no official data or registration or migration control of the entry and exit of migrants to and from the country at the Dominican-Haitian border.¹³⁶ AI mentioned that these mass expulsions continue, despite an appeal in February 2010 (renewed in June 2011) from both the UN High Commissioner for Refugees and the Office of the High Commissioner for Human Rights to suspend all involuntary returns to Haiti on humanitarian grounds, following the earthquake in Haiti in January 2010.¹³⁷ JS3 recommended, inter alia, that specialized migration institutions should be established, guaranteeing due process, including a public prosecutor and public defender specialized in migration issues, a specialized tribunal, specialized detention centres and an official deportation register.¹³⁸

59. With regard to the employment situation of migrant workers, JS3 noted that Haitian migrant workers' lack of papers meant that they could not access social security and they faced difficulties, delays and discriminatory practices in relation to obtaining residence permits for employment purposes or work permits¹³⁹ as well as employment exploitation and forced labour, a lack of formal written labour agreements, very low wages, unjustified dismissal, discrimination on the grounds of ethnic or national origin, non-compliance with safety and hygiene standards and sexual harassment.¹⁴⁰ JS3 noted in particular that migration legislation provided that, in the event of "catastrophic illness", residence would be denied and that the General Directorate of Migration would not renew residence permits for persons with HIV.¹⁴¹

60. JS3 reported that a proposed regularization plan had been put forward by the General Directorate of Migration without the participation of civil society, and requested that the plan should be adopted in agreement with civil society.¹⁴²

61. JS3 noted that, six years after the promulgation of Migration Act No. 285-04, implementing regulations had been issued in the form of Decree 631-11, which linked the enjoyment and exercise of civil rights by foreigners to their legal status in the country, provided that "resident" foreigners would have the same rights as Dominican nationals, and made the labour rights of foreigners conditional on their being regularized.¹⁴³ JS3 observed that those regulations did not recognize the rights acquired by migrants who had entered the country prior to the adoption of the Migration Act and the regulations, since legal or illegal migration were confused with transit.¹⁴⁴

62. JS3 recommended, inter alia, effective prevention plans and international cooperation as well as a migration regularization plan for migrant workers and their families, formulated in consultation with civil society.¹⁴⁵

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions

- AI Amnesty International, London (UK)
- GIEACPC Global Initiative to End All Corporal Punishment of Children (London, United Kingdom)
- OSJI Open Society Justice Initiative (New York, New York 10019, United States)
- Joint submissions*
- JS1 Joint submission submitted by: Coalición Dominicana para el Derecho a la Nacionalidad: Movimiento de Mujeres Dominicano Haitianas (MUDHA), Santo Domingo (República Dominicana); Fundación Étnica Integral (FEI), Santo Domingo (República Dominicana); Comisión Nacional de los Derechos Humanos (CNDH), Santo Domingo (República Dominicana); Movimiento Socio Cultural para los Trabajadores Histianos (MOSCTHA), Santo Domingo (República Dominicana); Centro Filosófico Pedro Francisco Bono Santo Domingo (República Dominicana); Centro Cultural Dominicano Haitiano (CCDH), Santo Domingo (República Dominicana); Alas de Igualdad, Santo Domingo (República Dominicana); Asociación Pro Desarrollo de la Mujer (APRODEMA), Santo Domingo (República Dominicana); Comisión de Trabajo Ecuménico Dominicano (COTEDO), Santo Domingo (República Dominicana); Afro Alianza Dominicana, Santo Domingo (República Dominicana); and Minority Rights Groups International (MRG), London, United Kingdom
- JS2 Joint submission submitted by: Coalicion Dominicana por la Seguridad Ciudadana: Fundación Comunidad Esperanza y Justicia (FUNCEJI), Santo Domingo (República Dominicana); Instituto Caribeño para el Estado de Derecho (ICED), Santo Domingo (República Dominicana); and Comisión Nacional de los Derechos Humanos (CNDH), Santo Domingo (República Dominicana)
- JS3 Joint submission by Coalición por los Derechos de las Personas Migrantes(CDPM): Movimiento Socio Cultural para los Trabajadores Haitianos (MOSCTHA), Santo Domingo (República Dominicana); Centro Filosófico Pedro Francisco Bono, Santo Domingo (República Dominicana); and Fundación Etnica Integral (FEI), Santo Domingo (República Dominicana)
- JS4 Joint submission by CDyT: Participación Ciudadana (PC), Santo Domingo (República Dominicana), Fundación Comunidad Esperanza y Justicia (FUNCEJI) Santo Domingo (República Dominicana); and Ciudadanxs Contra la Corrupción (C3), Santo Domingo (República Dominicana)
- JS5 Joint submission by Coalición LGBTTI de la República Dominicana: Diversidad Dominicana (DIVERDOM), Santo Domingo (República Dominicana); Amigos Siempre Amigos (ASA), Santo Domingo (República Dominicana); Coordinadora Lésbica, Santo Domingo (República Dominicana); Rede de Voluntarios de Amigos Siempre Amigos (REVASA), Santo Domingo (República Dominicana); Trans Siempre Amigas (TRANSSA), Santo Domingo (República Dominicana); Gente Activa y Participativa (GAYP), Santo Domingo (República Dominicana); Heartland Alliance for Human Needs and Human Rights, Chicago (United States of America); Fundación Comunidad Esperanza y Justicia (FUNCEJI), Santo Domingo (República Dominicana); and HUB de El Caribe Latino de CARIFLAGS, Santo Domingo (República Dominicana)
- JS6 Joint submission by Coalición Dominicana por los Derechos Humanos de las Mujeres: Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres – República Dominicana (CLADEM-RD), Santo Domingo (República Dominicana); Colectiva Mujer y Salud, Santo Domingo (República Dominicana); Foro Feminista, Santo Domingo (República Dominicana); and Núcleo de Apoyo a la Mujer (NAM), Santo Domingo (República Dominicana)
- JS7 Joint submission by Coalición de ONG por la Infancia de la República Dominicana (COPI): Acción Callejera, Santiago de los Caballeros (República Dominicana); Acción Comunitaria por el Progreso, Inc. (ACOPRO), Santo Domingo (República Dominicana); Aide et Action, Cambridge-Massachusetts (United States of America); Centro Profesional para la Prevención del Uso Indebido de Drogas (Casa Abierta), Santo Domingo (República Dominicana); Coordinadora de Animación Sociocultural (CASCO), Santo Domingo (República Dominicana); Centro Dominicano de Asesoría e

- Investigaciones Legal (CEDAIL), Santo Domingo (República Dominicana); Hogar Renacer, Santo Domingo (República Dominicana); Muchachos y Muchachas con Don Bosco, Santo Domingo (República Dominicana); Centro de Integración y Dominicana); Aldeas Infantiles SOS, Santo Domingo (República Dominicana); Aprendices de Don Bosco, Santo Domingo (República Dominicana); Caminante Proyecto Educativo (CAMINANTE), Santo Domingo (República Dominicana); Caritas Dominicana, Santo Domingo (República Dominicana); Centro de Investigación para la Acción Femenina (CIPAF), Santo Domingo (República Dominicana); Compasión Internacional, Santo Domingo (República Dominicana); Fundación para el desarrollo y Bienestar de la Mujer y la Niñez Inc. (FUNDEBMUNI), Santo Domingo (República Dominicana); Plan República Dominicana, Santo Domingo (República Dominicana); Asociación Dominicana Pro Bienestar de la Familia (PROFAMILIA), Santo Domingo (República Dominicana); Programa Amigos de los Niños (PAN), Santo Domingo (República Dominicana); Unión de Juventud Ecuménica Dominicana (UJEDO), Santo Domingo (República Dominicana); and Visión Mundial República Dominicana, Santo Domingo (República Dominicana)
- JS8 Joint submission by Instituto Internazionale Maria Ausiliatrice (IIMA), Geneva (Switzerland) and International Volunteerism Organization for Women, Education and Development (VIDES International), Sao Paulo, (Brazil)
- JS9 Joint submission by Observatorio a la implementación de la Convención sobre los Derechos de las Personas con Discapacidad (OPcD): Asociación de Personas con Discapacidad Físico Motora (ASODIFIMO), Santo Domingo (República Dominicana); Centro Pedro Francisco Bonó, Santo Domingo (República Dominicana); Círculo de Mujeres con Discapacidad (CIMUDIS), Santo Domingo (República Dominicana); and Fundación Dominicana de Ciegos (FUDCI), Santo Domingo (República Dominicana);
- JS10 Joint submission by Profamilia República Dominicana, Santo Domingo (República Dominicana) and Iniciativa por los Derechos Sexuales, Ottawa (Canada)
- JS11 World Coalition Against the Death Penalty (WCADP), Montreuil, France
Regional intergovernmental organization
IACHR-OAS Inter-American Commission on Human Rights-Organization of American States (Washington, D.C. 20006, United States).

² AI, p. 1.

³ JS3-CDPM, pp. 5.

⁴ JS11-WCADP, para. 4.

⁵ JS6-CODHMU, para. 42.

⁶ JS4-CDyT, para. 37.

⁷ JS4-CDyT, para. 39.

⁸ JS4-CDyT, para. 38.

⁹ JS2-CDSC, pages 3 and 5.

¹⁰ CEJIL, p. 1. See also IACHR, p. 3, Nadege Dorzama et al. Massacre of Guayubín, Dominican Republic, February 11, 2011, at <http://www.oas.org/en/iachr/decisions/cases.asp>.

¹¹ CEJIL, p. 2.

¹² OSJI, p. 3. See also: CEJIL, p. 1 and IACHR-OAS, p. 3.

¹³ JS5-CLGBTTI, p. 9.

¹⁴ JS4-CDyT, p. 9.

¹⁵ JS2-CDSC, p. 2. See also JS4-CDyT, para. 6.

¹⁶ JS7-COPI, p. 2.

¹⁷ AI, p. 4.

¹⁸ JS2-CDSC, p. 2.

¹⁹ JS2-CDSC, p. 6.

²⁰ JS2-CDSC, para. 1.2.

²¹ JS2-CDSC, p. 2.

²² JS1-CDERNA, para. 2.3.

²³ JS1-CDERNA, paras. 3.3. and 3.4. See also: CEJIL, paras. 5–9.

²⁴ OSJI, paras. 22–25.

²⁵ OSJI, paras. 26–29.

- 26 CEJIL, para. 8.
27 AI, p. 4
28 JS3-CDPM, para. 11.
29 AI, p. 4.
30 OSJI, para.6. See also: JS1-CDERNA, para. 2.1.
31 OSJI, p. 9.
32 JS1-CDERNA, paras. 2.8 and 2.9.
33 JS1-CDERNA, para. 3.1.
34 JS1-CDERNA, para. 3.9.
35 OSJI, para. 30.
36 JS1-CDERNA, para. 5.1. See also, OSJI, p. 3.
37 AI, pp. 5, See also: OSJI, p. 3 and para. 7.
38 OSJI, para. 30.
39 OSJI, p. 3.
40 JS8IIMA-VIDES, para. 25.
41 JS8IIMA-VIDES, para. 27.
42 JS5-CLGBTTI, para. 23.
43 JS5-CLGBTTI, para. 37.
44 JS1-CDERNA, paras. 1.4 and 1.5.
45 JS1-CDERNA, paras .1.2, 1.4 and 1.5.
46 JS1-CDERNA, para. 1.2. See also: OSJI, p. 2.
47 JS1-CDERNA, paras. 2.8 y 2.9.
48 JS1-CDERNA, paras. 3.1, 3.6 and 3.7.
49 JS1-CDERNA, para. 1.3. See also: OSJI, pages 9 and 10.
50 JS2-CDSC, para. 3.
51 AI, p. 2.
52 AI, p. 2.
53 JS2-CDSC, paras. 4–5.
54 JS2-CDSC, para. 22.
55 JS2-CDSC, para. 9–10.
56 JS6-CODHMU, para. 6.
57 JS8-IIMA-VIDES, paras. 26 and 27. See also JS6-CODHMU, para. 10 and AI, pp. 1,3 and 5.
58 JS6-CODHMU, pp. 3 and 4.
59 AI, p. 5.
60 JS8-IIMA-VIDES, para. 21.
61 JS7-COPI, p. 2.
62 JS7-COPI, p. 5.
63 JS3-CDPM, paras. 45, 50 and 52.
64 JS3-CDPM, para. 53.
65 S6-CODHMU, paras. 37 and 47.
66 JS5-CLGBTI, paras. 15 and 18.
67 JS5-CLGBTTI, p. 9.
68 JS7-COPI, pp. 3–4.
69 GIEACPC, pp. 1.
70 GIEACPC, para. 2.
71 JS8-IIMA-VIDES, para. 5.
72 JS8-IIMA-VIDES, para. 7.
73 JS2-CDSC, p. 4.
74 JS2-CDSC, p. 3.
75 JS2-CDSC, p. 3.
76 JS2-CDSC, para. 1.1.
77 JS2-CDSC, p. 4.
78 JS2-CDSC, p. 5.
79 AI, p. 1.
80 JS2-CDSC, p. 5.
81 JS2-CDSC, p. 5. See also AI, p. 5.

- 82 AI, p. 2.
- 83 CEJIL, pp. 1 and para. 9.
- 84 AI, pp. 1. See also: JS1-CDERNA, paras. 2.2 and 3.7 and OSJI, p. 4.
- 85 IACHR, p. 3. See Benito Tide Méndez et al. Case 12.271, Dominican Republic, July, 12, 2012 (<http://www.oas.org/en/iachr/decisions/cases.asp>). See also: JS3, para. 15.
- 86 JS4-CDyT, para. 3.
- 87 JS4-CDyT, para. 12. See also: JS4-CDyT, para. 11.
- 88 JS4-CDyT, para. 13.
- 89 JS6-CODHMU, para. 9.
- 90 JS5-CLGBTTI, p. 9.
- 91 JS1-CDERNA, paras. 3.3. and 3.4. See also: CEJIL, paras. 5–9.
- 92 JS5-CLGBTTI, p. 2 and 7.
- 93 JS5-CLGBTTI, paras. 19–22.
- 94 JS2-CDSC, para. 1.1.
- 95 JS4-CDyT, para. 24.
- 96 JS4-CDyT, para. 2.
- 97 JS4-CDyT, para. 20.
- 98 JS4-CDyT, para. 30.
- 99 JS6-CODHMU, paras. 30 and 40.
- 100 JS6-CODHMU, para. 41.
- 101 JS6-CODHMU, paras. 43, 45, 46 and 48.
- 102 JS3-CDPM, para. 32.
- 103 JS3-CDPM, para. 33.
- 104 JS5-CLGBTTI, paras. 7–13.
- 105 JS5-CLGBTTI, paras. 12 and 14.
- 106 JS4-CDyT, para. 1.
- 107 JS4-CDyT, para. 2.
- 108 AI, p. 5.
- 109 AI, p. 5.
- 110 JS10-Profamilia-Iniciativa por los Derechos Sexuales, p. 1.
- 111 JS10-Profamilia-Iniciativa por los Derechos Sexuales, p. 1.
- 112 JS8-IIMA-VIDES, para. 23.
- 113 JS8-IIMA-VIDES, para. 24.
- 114 JS10-Profamilia-Iniciativa por los Derechos Sexuales, para. 7.
- 115 JS10-Profamilia-Iniciativa por los Derechos Sexuales, para. 9.
- 116 JS10-Profamilia-Iniciativa por los Derechos Sexuales, para. 16.
- 117 JS10-Profamilia-Iniciativa por los Derechos Sexuales, para. 20.
- 118 JS10-Profamilia-Iniciativa por los Derechos Sexuales, para. 21.
- 119 JS6-CODHMU, paras. 50, 52, 55 and 56. See also AI, p. 2.
- 120 AI, p. 5.
- 121 JS5-CLGBTTI, p. 9.
- 122 JS8-IIMA-VIDES, para. 18.
- 123 OSJI, paras. 22–25
- 124 OSJI, paras. 22–25
- 125 JS5-CLGBTTI, p. 9.
- 126 JS6-CODHMU, paras. 17–19, 24, 28 and 29.
- 127 JS6-CODHMU, paras. 21–23. See also: JS9, para. 6
- 128 JS9-OPcD, para. 8.
- 129 JS9-OPcD, paras. 15–21.
- 130 JS9-OPcD, para. 23.
- 131 JS9-OPcD, para. 11.
- 132 JS9-OPcD, para. 26.
- 133 JS9-OPcD, para. 27.
- 134 JS9-OPcD, p. 7.
- 135 JS3-CDPM, paras. 3 and 4.
- 136 JS3-CDPM, para. 9.

- ¹³⁷ AI, p. 3.
¹³⁸ JS3-CDPM, p. 3.
¹³⁹ JS3-CDPM, paras. 23, 24, 26 and 39.
¹⁴⁰ JS3-CDPM, para. 27.
¹⁴¹ JS3-CDPM, para. 26.
¹⁴² JS3-CDPM, paras. 35 and 41.
¹⁴³ JS3-CDPM, para. 56.
¹⁴⁴ JS3-CDPM, para. 57.
¹⁴⁵ JS3-CDPM, paras. 36–44.
-