

Universal Periodic Review (32nd session, January-February 2019)
Contribution of UNESCO

Dominican Republic

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (30/08/1977)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	12/02/1985 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	02/10/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	24/09/2009 Accession			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The Article 63 of the **Dominican Republic's Constitution**¹ recognizes the right to quality education. It establishes free and compulsory public education at the initial, basic and secondary levels. This Article also promotes teachers' career and teachers' dignity. According to it, the State shall eradicate illiteracy and ensure education for people with disabilities.
2. The right to education for all the inhabitants of the country is moreover enshrined in the **Organic Law of Education No. 66 of 1997**², which also states that students have a right to a suitable education free of charge. Article 33 states that initial education lasts until six years of age and the last year of initial education is compulsory and free and will start at age 5. Article 35 provides that basic education starts at six years of age, is free and compulsory. Article 37 adds that basic education lasts eight years. Article 40 provides for secondary education. However, there is no provision granting free and compulsory secondary education.
3. Regarding the reporting to UNESCO, the Dominican Republic did not participate in the last consultation on the measures taken to implement the UNESCO 1960 Convention against Discrimination in Education and thus did not submit a national report within the framework of the **9th Consultation** (2016-2017) of Member States, and yet it submitted a report during the **8th Consultation** (2011-2013). Meanwhile, the Dominican Republic did not report on the measures taken to implement UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **6th Consultation** (2016-2017), and yet it submitted a report during the **5th Consultation** (2012-2013).

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

4. The 2010 Constitution of the Dominican Republic guarantees the freedom of expression and information through Article 49.³
5. A freedom of information law exists in the Dominican Republic since 2004.⁴
6. Defamation remains criminalized under Article 361 of the Criminal Code of the Dominican Republic and the Expression and Diffusion of Thought law (No. 6132). Conviction for defamation or insult in case of the head of state can result in penalties of up to one year in prison, and for up to 3 months in case of individual.⁵

¹<http://www.unesco.org/education/edurights/media/docs/db5e9e9c82839e27bee271b422d4e72755ee158e.pdf>

²<http://www.unesco.org/education/edurights/media/docs/8f62770fc15d27be024691735ba62c9fe8847cad.pdf>

³ <http://www.wipo.int/wipolex/en/details.jsp?id=17816>

⁴ <http://www.rti-rating.org/wp-content/themes/twentytwelve/files/pdf/Dominican%20Republic.pdf>

⁵ http://www.wipo.int/wipolex/en/text.jsp?file_id=242455

➤ Implementation of legislation:

7. The Dominican Telecommunications Institute (INDOTEL)⁶ is a state agency, which regulates telecommunication and broadcasting activities in the Dominican Republic. The INDETEL was established in 1998, by the Telecommunications Law 153-98.

➤ Safety of journalists

8. Since 2008, UNESCO has condemned the killing of three journalists in the Dominican Republic. The Government has responded to UNESCO's requests as regards one case.

III. UPR Recommendations

Right to education

9. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (February 2014)⁷:**

98.83. *Heighten the action to mitigate and eventually eliminate extreme social inequalities within the country thereby ensuring equal access by all persons to health care, education and housing*

98.89. *Consider adopting legislative measures to facilitate access of women in rural areas to land ownership; to ensure that poverty reduction and income generating strategies include provisions relating to rural women; and to ensure access by rural women and girls to education*

98.100. *Continue taking measures that guarantee the right to education of its population*

98.102. *Continue strengthening education policies to ensure the schooling of all children*

98.103. *Encourage the authorities to strengthen educational policies in order to provide for full school enrolment of all children*

98.104. *Continue its current efforts to provide access to quality education without discrimination for the school-age population throughout the country*

98.105. *Continue the efforts in the field of education including providing a high quality of education system that is inclusive, universal and free*

98.106. *Continue to focus on the overall improvement in the quality of education provided, including by continuing to provide human rights education, training and courses to students, civilian populations and law enforcement officials*

⁶ <https://indotel.gob.do/>

³ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/DOIndex.aspx>

IV. Review and specific recommendations

10. In the previous UPR cycle, recommendations focused on gender disparity, social inequality, education quality, and school enrolment. The Dominican Republic was encouraged to adopt legislative measures and develop specific strategies for the above-mentioned issues.
11. First, the situation of **social inequality** is still severe in the Dominican Republic. The extreme social inequality has significantly negative influence on **school enrolment and education environment**. From 2010 to 2016, the difference in **early childhood education attendance** rate between urban and rural areas was around 22%, while between richest and poorest, it reached 56%. Meanwhile, there is also a considerable disparity in **post-secondary education opportunities**. From 2010 to 2015, the difference in post-secondary education attendance rate between richest and poorest areas was almost of 50%. Regarding **school environment**, in 2015, the difference in rate of computers connected to the Internet between rural and urban areas was near 40%, while in 2013, the difference in rate of grade 3 students who attended schools with adequate water and sanitation infrastructure was more than 20%.⁸ The Dominican Republic should therefore be encouraged to take action to mitigate and eliminate extreme social inequalities in order to guarantee education equality.
12. Concerning **school enrolment**, there is still room to improve it. The Dominican Republic launched the **early childhood care** programme “Quisqueya empieza contigo” (Quisqueya starts with you) and implemented the **National Plan for Early Childhood Protection and Care** basing on Decree No. 102-13.⁹ Between 2000 and 2015, the rate of **early childhood education participation** has increased around 10%. From 2010 to 2014, and the attendance rates in early childhood learning programmes among 3- and 4-year-olds and children one year before official primary entry age are respectively around 30%, 55% and 60%. Between 2010 and 2015, the **completion rate** of primary education reached almost 90%, while, that it was near 80% in lower secondary education and around 60% in upper secondary education. The participation rate of 15- to 24-year-olds in **technical and vocational education programmes** has increased 1% from 2000 to 2015. For **lifelong learning opportunities**, in 2015, the percentage of adults (25+) enrolled in formal primary education is above 5%. And the percentage of adults who completed at least primary education almost 70%.¹⁰ The state should be encouraged to continue its efforts to improve the attendance rates in every education levels and reduce the dropout rates through special programs or strategies. Considering the positive impact of free and compulsory education on school enrolment and in the context of SDG4 and Education 2030, the Dominican Republic should be encouraged to “ensure access to and completion of quality education for all children and youth to **at least 12 years of free**, publicly funded, inclusive and equitable quality primary and secondary education, of which **at least nine years are compulsory**, as well as access to quality education for out-of-school children and youth”, as set out by the Education

⁸ UNESCO, Global education monitoring report, 2017, p.144, 162, 226, 229.

<http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

⁹ Dominican Republic, National report submitted to the Committee on Economic, Social and Cultural Rights, 29 July 2015, E/C.12/DOM/4, para.146, 210.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fDOM%2f4&Lang=en

¹⁰ UNESCO, Global education monitoring report, 2017, p.131, 141, 151, 154.

2030 Framework for Action¹¹. In this regard, the Dominican Republic should be encouraged to develop its normative frameworks, in order to ensure in law at least 12 years of free education and 9 years of compulsory education, which States are required to guarantee.

13. Otherwise, **inclusive education** is still facing great challenges in the Dominican Republic. In 2013, only 52% of schools were receiving **students with disabilities**, of which around 60% had no specialized staff, strategies or resources to implement inclusive education.¹² According to official information sent by the Dominican Republic on the issue of ensuring that all children have access to such basic services as education and health without having to show an identity document (such as a birth certificate), proof of identity would not be required for such services in the Dominican Republic.¹³ However, there is still a concern that the lack of a comprehensive legal framework against discrimination and the reports regarding systematic discrimination against persons of **Haitian descent**, the vulnerable situation of Haitian migrants and the violence and assaults to which they are subjected.¹⁴ The Dominican Republic should be encouraged to ensure the right to education for all students, in particular Haiti children and children with special needs, and provide adequate service as well.
14. Meanwhile, although the Dominican Republic has adopted some policies to eliminate **gender disparity**, such as National Gender Equality and Equity Plan (2007-2017)¹⁵, it remains an issue of concern. For instance, in 2013, 85 girls for every 100 boys in grade 6 achieved minimum proficiency in this country.¹⁶ The importance of gender disparity in learning outcomes should be noted by the country.
15. The **education quality** and achievement of basic outcomes in the Dominican Republic is a challenging issue. In 2013, the rate of grade 6 students who achieved minimum proficiency in mathematics was only 20%. Meanwhile, the rate of grade 6 students who achieved minimum proficiency in reading was 60% at the same period. In the aspect of **education environment**, in 2013, the average rate of grade 3 students who attended schools with adequate water and sanitation infrastructure was only around 50%. Regarding **school violence**, in 2015, the rate at which 15-year-old students reported any of six types of bullying was over 25% in the Dominican Republic.¹⁷ The issues of low education quality, inadequate school infrastructure, and school violence should be encouraged to be eliminated by the Dominican Republic through comprehensive strategies, such as training teachers, revising textbooks and other materials.
16. Finally, the **education curriculum** also does not provide sufficient coverage of **gender equality** and **human rights**.¹⁸ Meanwhile, the **sexual education** programme has not yet been implemented in schools and adolescents do not have access to contraceptive

¹¹ http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

¹² Committee on the Rights of the Child, Concluding observations, 6 March 2015, CRC/C/DOM/CO/3-5, para.47.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fDOM%2fCO%2f3-5&Lang=en

¹³ Dominican Republic, National report submitted to the Committee on Economic, Social and Cultural Rights, 29 July 2015, E/C.12/DOM/4, para.150.

¹⁴ Human Rights Committee, Concluding observations, 27 November 2017, CCPR/C/DOM/CO/6, para.9.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fDOM%2fCO%2f6&Lang=en

¹⁵ http://www.americalatinagenera.org/es/documentos/centro_gobierno/Rep_Dominicana_PLANEG_II.pdf

¹⁶ UNESCO, Global education monitoring report, 2017, p.184.

¹⁷ UNESCO, Global education monitoring report, 2017, p.122, 123, 227, 229.

¹⁸ Committee on Economic, Social and Cultural Rights, Concluding observations, 21 October 2016, E/C.12/DOM/CO/4, para.64.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fDOM%2fCO%2f4&Lang=en

methods.¹⁹ The Dominican Republic should be encouraged to develop age-appropriate educational programmes on gender equality, human rights, and sexual education into its education curriculum.

➤ **Specific recommendations:**

1. The Dominican Republic should be encouraged to eliminate social inequality through legislative and administrative measures in order to guarantee education equality.
2. The Dominican Republic should continue its efforts to improve the attendance rates in every education levels and reduce the dropout rates through special programmes or strategies, including by adoption legal provisions for free and compulsory secondary education.
3. The Dominican Republic should ensure the access to education for all children, in particular Haiti children and children with special needs, and provide adequate public service as well.
4. Measures should be taken to eliminate the existence of gender disparity in various educational areas, including learning outcomes.
5. The Dominican Republic should be encouraged to take further measures to improve education quality, provided in adequate school infrastructure and in a learning environment free of school violence.
6. The Dominican Republic could be encouraged to include age-appropriate educational programmes on gender equality, human rights, and sexual education into its education curriculum.
7. The Dominican Republic should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
8. The Dominican Republic should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Observatory on the Right to Education.²⁰

Freedom of opinion and expression

17. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.
18. The Government is encouraged to assess the appointment system for the Telecommunications & Radiocommunications Regulator to ensure that this body is independent.
19. The Government may wish continue to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

¹⁹ Committee on the Rights of the Child, Concluding observations, 6 March 2015, CRC/C/DOM/CO/3-5, para.51.

²⁰ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

Right to culture

20. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²¹, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²² and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²³, the Dominican Republic is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Dominican Republic is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

21. The Dominican Republic has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore, the Dominican Republic is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.

²¹ Periodic Report available at: <http://whc.unesco.org/document/123037>

²² Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=37532>

²³ Periodic Report available at: <http://en.unesco.org/creativity/governance/periodic-reports/periodic-report-dominican>