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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-second session**  
21 January–1 February 2019

## **Summary of Stakeholders' submissions on Dominican Republic\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 23 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>2</sup> and cooperation with international human rights mechanisms and bodies<sup>3</sup>**

2. Center for Global Nonkilling (CGNK) congratulated the Dominican Republic for the ratification of the second protocol of the Covenant on civil and political rights abolishing the death penalty.<sup>4</sup>

3. Joint Submission 6 (JS6) noted that the Dominican Republic had accepted the recommendation to consider ratifying the international human rights instruments to which it is not yet a State party; however, at the time of this report's submission, the State had not yet ratified these conventions.<sup>5</sup>

4. Asociación Lazos de Dignidad (ALD) recommended that the Dominican Republic consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>6</sup>

5. CGNK recommended that the Dominican Republic ratify the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention for the Protection from Enforced Disappearances.<sup>7</sup>

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



6. JS6, Amnesty International (AI), Joint Submission (JS2), World Council of Churches (WCC) recommended that the Dominican Republic ratify the UN Convention relating to the Status of Stateless Persons (1954) and the UN Convention on the Reduction of Statelessness (1961).<sup>8</sup>

7. AI recommended that the Dominican Republic leave without effect judgment 256-14 of the Constitutional Court and clearly acknowledge the competency of the Inter-American Court of Human Rights.<sup>9</sup>

## **B. National human rights framework<sup>10</sup>**

8. Joint Submission 5 (JS5) noted the Ombudswoman's conservatism and her open support of the Catholic Church and was concerned about the technical ability of her Office's staff.<sup>11</sup>

9. JS5 recommended that the Office of the Ombudswoman observe secularism in all public engagements, run an information campaign about its mandate, recruit technically qualified staff and establish an office for gender equality and development.<sup>12</sup> Joint Submission 10 (JS10) recommended that the Office hold consultations with civil society organizations working on lesbian, gay, bisexual and trans (LGBT) rights and that it set up a unit or appoint focal points for discrimination issues.<sup>13</sup>

10. Joint Submission 11 (JS11) recommended that the Dominican Republic promulgate the National Human Rights Plan, which should include an updated calendar for effective implementation, by the end of the year.<sup>14</sup> In addition, JS7 recommended that it mainstream LGBT issues.<sup>15</sup>

11. JS2 noted the establishment of a human rights monitoring system known as SIMORED.<sup>16</sup>

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

### **1. Cross-cutting issues**

#### *Equality and non-discrimination<sup>17</sup>*

12. JS2 reported that racism was connected with poverty and anti-Haitianism, causing serious human rights violations. The situation had escalated with the adoption of Constitutional Court judgment 168-13, whereby thousands of persons of Haitian descent had been stripped of their Dominican nationality, and the implementation of Act No. 169/14, which had introduced distinct systems for registering the birth of Dominican nationals of foreign descent.<sup>18</sup>

13. Joint Submission 8 (JS8) noted that Haitian immigrants were victims of acts that could be considered xenophobic, such as acts of violence, the burning down of homes, intimidation, house raids, collective repatriations and family separations, etc.<sup>19</sup>

14. The Inter-American Commission on Human Rights reiterated its interest in seeing the State promptly adopt a general act on equality and non-discrimination.<sup>20</sup> JS2, JS6 and JS10 recommended that the Dominican Republic establish a legal framework to punish all forms of discrimination.<sup>21</sup> In addition, JS7 and Joint Submission 9 (JS9) recommended that it punish discriminatory conduct motivated by sexual orientation or gender identity.<sup>22</sup>

15. JS9 indicated that Dominican law does not ban consensual sexual relations between same-sex adults; however, gender changes were not permitted on identity or civil status documents and same-sex couples could not join the medical insurance scheme. Furthermore, the Criminal Code did not currently criminalize hate crimes or make sexual orientation an aggravating circumstance of homicide, and there was no law prohibiting conversion therapy to force a change of sexual orientation or gender identity.<sup>23</sup>

16. JS7 noted that the human rights of LGBT persons were continually being violated owing to a lack of awareness and entrenched social prejudice.<sup>24</sup> JS9 noted that LGBTI persons experienced discrimination in access to services, including housing, employment, education and health care.<sup>25</sup>

17. With regard to recommendation 98.42, JS10 noted the disinclination of the legislative bodies to table bills recognizing the rights of and addressing discrimination against LGBTTIQ persons.<sup>26</sup> JS9 and JS10 recommended that the Dominican Republic adopt a law on gender identity.<sup>27</sup>

## 2. Civil and political rights

### *Right to life, liberty and security of person*<sup>28</sup>

18. AI noted that while the Dominican Congress passed a new Organic Act on the National Police in July 2016, killings by law enforcement officers remained high. It had also documented the use of excessive force and harassment by the police against peaceful activists.<sup>29</sup> JS11 recommended that the Dominican Republic ensure that the Organic Act on the National Police be supported by monitoring mechanisms to assess the performance of individuals being recruited as police officers.<sup>30</sup>

19. JS7, JS9 and AI raised the issue of violence motivated by sexual orientation and gender identity, with an emphasis on trans women.<sup>31</sup> JS9 added that lesbians and trans persons faced the threat of gender-based violence and so-called “corrective” rape.<sup>32</sup>

20. JS7 recommended that the Dominican Republic include hate crimes motivated by sexual orientation or gender identity in the draft Criminal Code.<sup>33</sup> JS9 and AI recommended that it take the measures necessary to prevent, investigate and punish acts of violence motivated by sexual orientation or gender identity.<sup>34</sup> JS10 recommended that it devise a national campaign on the prevention of violence against the LGBTTI population.<sup>35</sup>

21. Regarding recommendation 98.41, JS10 reported that LGBTTIQ persons had filed complaints of arbitrary detention by the police and investigative authorities with the Office of the Human Rights Advocate.<sup>36</sup>

22. JS11 noted that the situation in prisons was critical because the system was still split between correctional and rehabilitative centres operating under the new model of prison management and prisons operating under the old model. Irregularities including harassment and human rights violations continued to occur in the latter facilities.<sup>37</sup>

23. JS11 reported that prisons operating under the old model housed 79.7 per cent of the prison population and had an overcrowding rate of 290.4 per cent; the rate of overcrowding across the Dominican prison system as a whole was 194 per cent.<sup>38</sup> JS11 recommended that the Dominican Republic design a strategic plan on prison infrastructure development that included the construction and/or remodelling of centres for convicted prisoners in each judicial district and a pretrial detention centre.<sup>39</sup>

24. Joint Submission 3 (JS3) reported that none of the correctional and rehabilitative centres had spaces adapted for inmates with any form of disability.<sup>40</sup>

25. International Campaign to Abolish Nuclear Weapons (ICAN) referred to the implications of the Treaty on the Prohibition of Nuclear Weapons for the right to life.<sup>41</sup>

### *Administration of justice, including impunity, and the rule of law*<sup>42</sup>

26. JS7 noted that the authorities of the Dominican Republic lacked the capacity to ensure justice for vulnerable groups, in this case trans women. The police, doctors and State officials exhibited intolerant, prejudiced attitudes and were unaware of the rights of LGBT persons.<sup>43</sup>

27. JS7 reported that there were very few complaints of violence against LGBT persons owing to the insufficient training of police officers and prosecutors, which also caused utter mistrust of the justice system and the authorities responsible for the administration of justice.<sup>44</sup> JS9 recommended that specialized training be provided to law enforcement

personnel and persons working in the justice system with a view to countering prejudices that could sway investigations.<sup>45</sup>

28. JS5 noted that persons who lived in poverty in rural areas had no means of defending themselves and obtaining justice against the Central Electoral Board's judicial applications for the nullification of birth certificates and the Constitutional Court judgment of 2013 because they lacked the means to pay for a lawyer.<sup>46</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>47</sup>

29. The Inter-American Commission on Human Rights expressed deep concern about acts of intolerance, threats and incitement of hatred against journalists, academics, lawyers, politicians, lawmakers, human rights defenders and public figures, including high-level public servants, who had criticized Constitutional Court judgment 0168/13.<sup>48</sup> JS6 and AI reported that they had been openly threatened and branded as traitors, and public demonstrations had called for "death to the traitors".<sup>49</sup>

30. JS6 recommended that Dominican Republic combat xenophobia, racism, and hate speech, and foster an environment where human rights defenders and civil society organizations can operate freely and openly to advocate for the human rights of all persons.<sup>50</sup>

31. Joint Submission 1 (JS1) recommended that the Dominican Republic ensure that the law on parties and the reform of the congressional elections system guaranteed the equal participation of women and provided, as a minimum, for: equal participation in party governance bodies; compulsory accountability mechanisms to ensure gender equality in budgets, education programmes and internal elections; and sanctions for non-compliance with electoral quotas.<sup>51</sup>

*Prohibition of all forms of slavery*<sup>52</sup>

32. JS8 acknowledged the importance of Act No. 137-03 for combating trafficking in persons and migrant smuggling, and also the State's concern in this regard, but highlighted the need to adopt policies to eradicate these practices and ensure their prosecution.<sup>53</sup> JS8 recommended that the Dominican Republic coordinate its actions with the Government of Haiti in order to prevent trafficking in persons and ensure cooperation in trafficking cases.<sup>54</sup>

33. JS5 recommended that the Dominican Republic roll out the National Plan against Migrant Smuggling and Trafficking in Persons, endow it with sufficient resources and ensure transparency in its implementation.<sup>55</sup>

34. JS1 noted that the Dominican Republic had the world's third highest prevalence of trafficking in persons, especially women and girls.<sup>56</sup> JS5 added that it was a country of origin and destination for trafficking and referred to the situation of Venezuelan women in irregular migration situations who were exposed to sexual and commercial exploitation, trafficking and smuggling.<sup>57</sup>

*Right to privacy and family life*<sup>58</sup>

35. JS2 acknowledged the modernization and automation of the civil registry, the adjustment of the cost of documents, the rapid registration of births among part of the population and the launch of mobile units for late registrations.<sup>59</sup> CGNK recommended to the Dominican Republic to swiftly improve the birth registration process.<sup>60</sup>

36. WCC noted that the social marginalization created by the deprivation of identity documentation was a major obstacle to overcoming structural poverty, especially in rural areas of the country.<sup>61</sup>

37. JS5 reported that, although child marriage was a violation of girls' rights, the State permitted the practice inasmuch as article 145 of the Civil Code set the minimum age for marriage at 18 for boys and 15 for girls.<sup>62</sup>

### 3. Economic, social and cultural rights

#### *Right to work and to just and favourable conditions of work*<sup>63</sup>

38. JS5 noted that, despite the fact that the Dominican Republic had ratified International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), no implementing regulations had yet been adopted.<sup>64</sup>

39. JS1 indicated that the State had put in place a number of measures designed to enhance the economic independence of women; however, the lack of coordination between sectoral policies for women, poverty reduction policies and employment policies made it difficult to eliminate the structural causes of their lack of independence, such as the uneven distribution of work.<sup>65</sup> JS5 noted that the gap in labour market participation between men and women was very high.<sup>66</sup>

40. JS1 recommended that the Dominican Republic improve the technical skills of Ministry of Labour staff so as to equip them to design, implement and evaluate employment policies with a focus on gender, life cycles and rights that promote women's access to good quality jobs and jobs in non-traditional sectors.<sup>67</sup>

41. JS7 reported that cases of employment discrimination against trans persons tended to be frequent, chiefly because of underlying prejudice in society.<sup>68</sup>

42. JS11 reported, with regard to child labour, that the Dominican Republic had ratified the ILO Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182) and had established a number of vocational training programmes for at-risk children and adolescents, including, for instance, the Solidaridad conditional cash transfer programme and grow-by-learning spaces. However, resource shortfalls and gaps in the implementation of labour laws in the agricultural sector continued to be a source of concern.<sup>69</sup>

#### *Right to social security*<sup>70</sup>

43. JS1 noted that the current social security system was based on a two-parent, patriarchal model of the family, in which the man was the head and provider of the family and, as such, the active subject of protection. Women were more likely than men to work in informal sectors of the market, which impeded their access to social security.<sup>71</sup>

#### *Right to an adequate standard of living*<sup>72</sup>

44. JS1 referred to aspects of poverty that affected women specifically and that were not taken into account, meaning that poverty reduction programmes had little transformative effect and only superficial results.<sup>73</sup>

45. Foro de Gestión de Riesgos de República Dominicana (FGRD) recommended that the Dominican Republic step up its efforts to safeguard children's right to food during periods of slow-onset threats, such as droughts.<sup>74</sup>

46. Regarding recommendation 98.86,<sup>75</sup> JS11 reported that, although the State had constructed a number of housing developments in various regions of the country, the projects had benefited middle- and upper middle-income households owing to a market policy that excluded the most impoverished segments of the population.<sup>76</sup> JS11 recommended that the Dominican Republic develop measures to redirect public spending to ensure that the planned 1 per cent of gross domestic product (GDP) was allocated entirely to the construction of housing in rural and/or the most impoverished areas for the next 10 years.<sup>77</sup>

47. JS11 reported that the housing shortfall had been exacerbated by the large number of persons left homeless by Hurricanes David (1979) and George (1998), Tropical Storms Noel and Olga (2007) and Hurricanes Irma and Maria (2017) who had received only welfare assistance from the Government, without any medium- or long-term development plan. In addition, JS11 was concerned by the State's failure to protect the right to housing of persons facing forced evictions by private sector actors.<sup>78</sup> JS11 recommended that the Dominican Republic grant legal assistance and certainty to victims from marginalized

groups so that they might access judicial remedies in cases of violations of the right to adequate housing.<sup>79</sup>

48. JS11 recommended that the Dominican Republic invite the Special Rapporteur on the right to housing and the Working Group on business and human rights to visit the Dominican Republic next year.<sup>80</sup>

*Right to health*<sup>81</sup>

49. JS11 was concerned about universal access to health care, given that the right to health continued to be undermined by the scant resources allocated to the sector, as illustrated by the inappropriate regionalization of health care, the concentration of resources in Santiago and the capital, the lack of emphasis on primary care and the high mortality rate of patients owing to a lack of equipment and medicine in most of the hospitals of the interior.<sup>82</sup> JS11 recommended that the Dominican Republic allocate 5 per cent of GDP to meeting the population's health-care needs.<sup>83</sup>

50. Women's Link Worldwide (WLW) noted that the Dominican Republic was among the countries with the highest maternal mortality rate, at 119 deaths per 100,000 live births. The high rate pointed up severe deficiencies in health care, an inadequate network of services and lack of beds in hospitals, a lack of hospital facilities and shortcomings in the quality of care provided by medical professionals.<sup>84</sup>

51. JS1 reported that the Ministry of Health had acknowledged that, since 98.5 per cent of births took place in hospitals, 80 per cent of maternal deaths could be prevented through better quality health services and the observance of maternal health protocols.<sup>85</sup> ADF International recommended that Dominican Republic improve health care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health.<sup>86</sup>

52. Joint Submission 4 (JS4) noted that the infant mortality rate was the third highest in Latin America.<sup>87</sup> JS1 reported that the Dominican Republic was among the five countries with the highest rate of teenage pregnancy in Latin America owing to poverty, the lack of access to sexual and reproductive health services and forced child marriage.<sup>88</sup>

53. AI noted that a revised Criminal Code that integrated the decriminalization of abortion in three instances was finally approved in 2014, however, in December 2015 the Constitutional Court struck down the proposed reforms through Judgment 599-15 leaving the old Criminal Code, which dates back to 1884, in force.<sup>89</sup> JS1 submitted that the State maintained a total ban on abortion despite broad popular acceptance of decriminalization in certain situations.<sup>90</sup> WLW added that the total ban on abortion led to high rates of maternal mortality.<sup>91</sup> ADF International had a different observation.<sup>92</sup>

54. WLW asserted that the State continued to react passively to information on sexual and reproductive health.<sup>93</sup> JS1 noted that the Catholic Church was the direct cause of the bill on sexual and reproductive health's failure to pass through Congress.<sup>94</sup> JS1 recommended that the Dominican Republic enact the bill on sexual and reproductive health.<sup>95</sup> JS5 recommended that it adopt the amended Criminal Code decriminalizing abortion when the life of the mother was at risk, when the pregnancy resulted from rape and when fetal abnormalities were incompatible with life.<sup>96</sup> WLW, JS1 and AI made similar recommendations.<sup>97</sup>

55. JS7 submitted that it was of utmost concern that the health-care system did not provide hormonal or gender affirming treatments for trans persons.<sup>98</sup> JS9 recommended that the Dominican Republic improve the health and well-being of lesbian, gay, bisexual, transgender and gender non-conforming persons.<sup>99</sup> JS10 recommended that it design public policies that addressed the sexual and reproductive health needs of LGBTTI women.<sup>100</sup>

*Right to education*<sup>101</sup>

56. JS4 reported that the Ten-Year Education Plan 2008–2018 represented a breakthrough for the country, as did the allocation of 4 per cent of the national budget to education and the high level of coverage achieved at the primary level. It also stated that there were concerns about the quality of education, dropout and repetition rates among

vulnerable children, teacher training, the level of violence in schools, and attendance and coverage at the secondary level.<sup>102</sup>

57. FGRD noted that, although the Dominican State had made considerable progress in that area, schools were often used as shelters in the event of a natural disaster, a situation that interrupted teaching for lengthy periods and led to an increase in repetition and dropout rates.<sup>103</sup>

58. JS7 reported that the right of trans women to education was limited by the discrimination that they encountered on a daily basis, both from their peers and from teaching staff.<sup>104</sup> JS7 recommended that the Dominican Republic adopt protocols and/or public policies to combat bullying on grounds of sexual orientation and gender identity.<sup>105</sup> JS9 recommended that the State should devise educational policies aimed at eradicating social and cultural biases, misconceptions and prejudice against members of the LGBTI community.<sup>106</sup>

#### 4. Rights of specific persons or groups

##### *Women*<sup>107</sup>

59. JS1 reported that violence against women was the fourth leading cause of death among women of childbearing age, that the measures taken had proved ineffective in eradicating or reducing the high rates of violence and femicide in the country and that they did not provide a comprehensive response to the problem of violence against women.<sup>108</sup> JS1 added that, although the State had put in place a considerable number of strategies in order to ensure a comprehensive approach to combating violence against women, the lack of authority of the Ministry of Women had limited its ability to coordinate those strategies effectively.<sup>109</sup>

60. JS1 recommended that the Dominican Republic adopt the draft organic act on the prevention, punishment and eradication of violence against women and the care of victims, which was the cornerstone of the comprehensive response system being coordinated by the Ministry of Women.<sup>110</sup> JS1 also recommended that the State establish mechanisms to ensure that the Ministry of Women discharged its responsibilities under Act No. 86-99, in particular its obligation to coordinate the implementation of all actions taken at the sectoral and interministerial levels, and in cooperation with civil society, with a view to achieving gender equity.<sup>111</sup>

##### *Children*<sup>112</sup>

61. FGRD reported that, between 2014 and 2018, the Dominican Republic had been rocked by several disasters that had disproportionately affected children, who often suffered violence in emergency contexts.<sup>113</sup>

62. JS4 recommended that the Dominican Republic improve the functioning and inter-institutional coordination of the organizations and entities making up the child and adolescent protection system and enact specific legislation prohibiting all forms of violence against children.<sup>114</sup>

63. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment was prohibited in schools and in the penal system, but it was still lawful in the home, and in alternative and day-care settings.<sup>115</sup> JS4 noted that 67.4 per cent of households used physical or psychological punishment to discipline their children and that violence against children was one of the main reasons for loss of family care and the emancipation of girls through forced marriage, among other risk factors.<sup>116</sup>

64. JS1 reported that de facto unions between adult men and female minors were commonplace in the country. One in five adolescent girls (23.4 per cent) between 15 and 19 years of age was already married or cohabiting with a man 10 years her senior.<sup>117</sup> JS5 added that monetary poverty was one of the factors driving child marriage. Teenage pregnancy could be considered to be both a cause and consequence of child marriage.<sup>118</sup>

65. JS4 recommended that the Dominican Republic define forced child marriage as a stand-alone offence in the Criminal Code and include forced child marriage among the

criminal offences associated with gender-based violence.<sup>119</sup> JS5 recommended that the State remove provisions allowing and facilitating child marriage and cohabitation from the Civil Code and other legislation and that it develop comprehensive prevention programmes.<sup>120</sup>

66. WLW stated that one of the consequences of the Zika virus was the disabilities that it could cause in the children of mothers who contracted the virus during pregnancy.<sup>121</sup>

#### *Persons with disabilities*

67. JS3 reported that, although the National Congress had passed the Organic Act on Equal Rights for Persons with Disabilities (Act No. 5–13) in 2013, it was not until 2016 that its implementing regulations had been set out in Decree No. 363-16.<sup>122</sup>

68. JS3 noted that, to date, no specialized survey for the accurate determination and identification of persons with disabilities had been conducted.<sup>123</sup> JS3 recommended that the Dominican Republic carry out a national disability survey.<sup>124</sup>

69. JS3 made extensive reference to the different accessibility, availability and adaptability-related obstacles facing persons with a physical or motor disability, a hearing impairment, a visual impairment or an intellectual disability.<sup>125</sup> JS3 added that women with disabilities faced greater challenges in securing equal treatment.<sup>126</sup>

70. JS3 recommended that the Dominican Republic abolish any regime that partially or totally deprived persons with disabilities of their legal capacity and revise the Civil Code to recognize their full legal capacity.<sup>127</sup>

71. JS3 recommended that the Dominican Republic introduce inclusive education at all levels for children, young people and adults with disabilities as a means of ensuring the availability of sign language teaching and books in Braille and removing structural barriers.<sup>128</sup>

#### *Minorities and indigenous peoples*<sup>129</sup>

72. JS5 stated that the Dominican State had no policies promoting recognition of the Afrodescendant community — a situation that caused human rights violations of a general nature — and that black women faced even greater inequalities because they were excluded on grounds of both gender and race.<sup>130</sup>

73. JS5 recommended that the Dominican Republic adopt the draft general act on equality and non-discrimination, which included specific mechanisms for combating racism, racial discrimination and xenophobia and for protecting and promoting the rights of persons of African descent.<sup>131</sup>

#### *Migrants, refugees, asylum seekers and internally displaced persons*<sup>132</sup>

74. The Inter-American Commission on Human Rights commended the efforts made by the Dominican State to provide documentation and a regular migration status to foreign nationals who had entered its territory in an irregular manner, particularly through the adoption and implementation of the National Plan for the Regularization of Foreign Nationals.<sup>133</sup>

75. JS8 stated that immigrants who had travelled to the Dominican Republic to engage in productive work such as the production and cutting of sugar cane, agricultural labour and the construction of State infrastructure should have received fair and non-discriminatory treatment under the above-mentioned plan.<sup>134</sup> JS8 recommended that the country evaluate the plan in question.<sup>135</sup>

76. *Diáspora Venezolana* referred to the difficulties encountered by members of the Venezuelan community with an irregular migration status in meeting the requirements imposed by migratory regulations.<sup>136</sup> WCC estimated that there were more than 25,000 Venezuelans who had overstayed their tourist visas, of whom an estimated 22,000 were in need of protection and had no access to documentation.<sup>137</sup>

77. *Reconoci.do* stated that arbitrary and collective deportations continued, with due process being ignored.<sup>138</sup> JS8 stated that there was no up-to-date protocol setting out

guidelines for expulsion and that the persons concerned were denied a hearing before an impartial judge with the assistance of an interpreter or a lawyer.<sup>139</sup> JS8 recommended that the Dominican Republic adhere to international human rights standards in cases of expulsions or deportations of non-nationals.<sup>140</sup> Similar recommendations were made by AI and the World Council of Churches.<sup>141</sup>

78. JS8 added that Haitian immigrants and Dominicans of Haitian descent, regardless of whether or not they had identity documents, had frequently been victims of collective deportations to Haiti.<sup>142</sup> JS6 noted that while the Dominican Government pledged not to carry out deportations during the registration period, that window officially had ended in 2015, exposing thousands of people to the risk of deportation to a country they have never known. Between July 2015 and September 2017, 58,271 people were officially deported to Haiti.<sup>143</sup>

79. ALD stated that the asylum application process in the Dominican Republic was complicated by the large number of documents and items of proof that the State requested in order to approve the application.<sup>144</sup> ALD recommended that the State establish cooperative links between the National Commission for Refugees (CONARE) and the current mission of the Office of the United Nations High Commissioner for Refugees (UNHCR) so as to increase the efficacy of the asylum recognition process, given that UNHCR had information and data that would facilitate the work of CONARE.<sup>145</sup>

#### *Stateless persons*<sup>146</sup>

80. AI noted that in September 2013 the Constitutional Court of the Dominican Republic issued judgment 168-13 which stated that children born to foreign parents who did not have regular migration status had never been entitled to Dominican nationality. The judgment was applied retrospectively to people born since 1929. In May 2014, the Dominican Congress had adopted Act No. 169-14 in response to a wave of criticism of judgment 168-13 at both national and international levels. Although it was a step in the right direction, it failed to provide for automatic restoration of Dominican nationality to those who had been arbitrarily deprived of it by judgment 168-13.<sup>147</sup>

81. AI noted that although the Dominican government had shown some willingness to mitigate the harshest consequences of the Judgment, the authorities had yet to acknowledge the problem of statelessness. Several groups of people remained stateless or effectively stateless, owing to the inadequacy of the solutions provided by Act No. 169-14, shortcomings in its implementation and its failure to propose any solution at all for some neglected groups.<sup>148</sup>

82. AI reported that people who were effectively stateless or lacked identity documents faced discrimination in the enjoyment of a range of economic, social and cultural rights, including completing schooling and accessing higher education, as well as accessing formal employment, adequate healthcare or social security and pensions.<sup>149</sup> JS6 noted that without identity documents, it was nearly impossible to apply for insurance, open a bank account, obtain a passport, receive a certificate of good conduct from the police, or submit a complaint to the authorities if a human rights violation was committed.<sup>150</sup>

83. JS2 indicated that Act No. 169-14 divided the Dominicans affected by the judgment into two groups: group A, composed of children of non-resident foreign parents born in the Dominican Republic between 16 June 1929 and 18 April 2007 who appeared in the Dominican civil registry; and group B, composed of children of foreign parents born in the Dominican Republic who did not appear in the civil registry.<sup>151</sup> AI added that, according to the law, people belonging to group A could be formally registered as Dominicans, but only after an administrative process carried out by the Central Electoral Board. In the case of people in group B, they should register as foreigners and undergo a complex process which could eventually enable them to apply for naturalization as Dominicans.<sup>152</sup>

84. Reconoci.do referred to the negative implications of Act No. 169-14 for persons in group A and group B, noting that the majority of stateless persons belonged to the latter group.<sup>153</sup> The Inter-American Commission on Human Rights also referred to this issue, as well as to the lack of measures to address the needs of persons born between 18 April 2007

and 26 January 2010.<sup>154</sup> Reconoci.do recommended that the Dominican Republic establish an effective, fast-track naturalization procedure for members of group B.<sup>155</sup>

85. JS2 reported on the social and family segregation resulting from the categorization imposed by Act No. 169-14, which placed brothers and sisters born in the same territory and enjoying the same constitutional protection in different situations.<sup>156</sup>

86. Reconoci.do noted the refusal of hospitals to register the births of children of mixed couples, where the father was Dominican and the mother was Haitian or of Haitian descent.<sup>157</sup> JS8 referred to the situation of undocumented, stateless women who had difficulties in registering the birth of their children.<sup>158</sup>

87. WCC recommended that the Dominican Republic provide clear information concerning the results of the implementation of Act No. 169-14, and the ENI-2017, and present the results to the Dominican and international communities.<sup>159</sup>

88. JS5 recommended that the Dominican State comply with operative paragraphs 18, 19 and 20 of the 2014 judgment of the Inter-American Court of Human Rights (*Expelled Dominicans and Haitians v. Dominican Republic*) in order to suspend the legal effects of Constitutional Court judgment 168-13 and Act No. 169-14.<sup>160</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

### *Civil society*

#### *Individual submissions*

ADF International	ADF International (Switzerland);
AI	Amnesty International (United Kingdom of Great Britain and Northern Ireland);
ALD	Asociación Lazos de Dignidad (Dominican Republic);
CGNK	Center for Global Nonkilling (Switzerland);
Diaspora Venezolana	Diáspora Venezolana en República Dominicana (Dominican Republic);
FGRD	Foro de Gestión de Riesgos de Republica Dominicana (Dominican Republic);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to abolish nuclear weapons (Switzerland);
Reconoci.do	Movimiento Reconocido (Dominican Republic);
WLW	Women's Link Worldwide (Colombia);
WCC	World Council of Churches (Switzerland);

#### *Joint submissions*

JS1	<b>Joint submission 1 submitted by:</b> Centro de Estudios de Género de Intec. Centro de Desarrollo Social (CEDESOS). Centro de Investigación para la Acción Femenina (CIPAF). Centro de Solidaridad para el Desarrollo de la Mujer (CE-MUJER). Colectiva Mujer y Salud (CMS). Confederación Nacional de Mujeres del Campo (CONAMUCA). Coordinadora de Mujeres del Cibao (CMC). Foro Feminista Magaly Pineda. Fund. Mujeres Empoderadas Abriendo Caminos. Movimiento de Mujeres Dominicano Haitianas (MUDHA). Movimiento Feminista Hermanas Mirabal. Movimiento Sociocultural para los Trabajadores Haitianos (MOSCTHA). Núcleo de Apoyo a la Mujer (NAM). Oxfam en República Dominicana. Profamilia. Plan Internacional (Dominican Republic);
JS2	<b>Joint submission 2 submitted by:</b> Movimiento Socio Cultural para los trabajadores haitianos, Inc MOSCTHA Afro Alianza Dominicana Fundación derechos vigentes (Dominican Republic);
JS3	<b>Joint submission 3 submitted by:</b> Alianza Discapacidad Por Nuestros Derechos (ADIDE), Asociación de Personas con Discapacidad Físico- Motora

- (ASODIFIMO), Círculo de Mujeres con Discapacidad (CIMUDIS), Fundación Dominicana de Ciegos (FUDCI), Fundación para la Integración y Desarrollo del Sordo (FUNDEISOR), Fundación de Preparación y Asistencia a la Juventud y Personas con Discapacidad (FUPAJUDI), y la Asociación Dominicana de Síndrome de Down (ADOSID). (Dominican Republic);
- JS4 **Joint submission 4 submitted by:** SOS Children’s Villages Dominican Republic, Plan International, World Vision, Muchachos y Muchachas con Don Bosco, Proyecto Caminantes de Boca Chica, Children International, Casa Abierta, ACOPRO, Aprendices con Don Bosco, Hogar Renacer, Save the Children, Acción Callejera, FUNDEBMUNI, Proyecto MAIS, Pastoral Juvenil, Niños del Camino, Compasion International, CIPAF, CIDAIL, ODESA, PROFAMILIA, PROINFANCIA, UJEDO. (Dominican Republic);
- JS5 **Joint submission 5 submitted by:** Centro de Solidaridad para el Desarrollo de la Mujer, CE-MUJER; Colectiva Mujer y Salud; Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer-República Dominicana (CLADEM-RD); Núcleo de Apoyo a la Mujer (NAM), Save The Children Dominicana (SCRD). (Dominican Republic);
- JS6 **Joint submission 6 submitted by:** Dominicanos por Derechos The Institute on Statelessness and Inclusion The Center for Justice and International Law (The Netherlands);
- JS7 **Joint submission 7 submitted by:** Trans Siempre Amigas (TRANSSA); Observatorio Derechos Humanos Grupos Vulnerabilizados (Dominican Republic);
- JS8 **Joint submission 8 submitted by:** Movimiento Socio Cultural para Trabajadores Haitianos (MODCTHA), Instituto de Acción Comunitaria (IDAC), Plataforma de Instituciones Haitianas y sus Familias PIHF-RD, Fundación Étnica Integral (FEI) Movimiento de Mujeres Dominico Haitiana (MUDHA), Comisión Nacional de Derechos Humanos (CNDH-RD) Comité Dominicano de los Derechos Humanos (C.D.H.); Fundación Derechos Vigentes (FDV), (Dominican Republic);
- JS9 **Joint submission 9 submitted by:** Fundación Comunidad Esperanza y Justicia Internacional, Inc. (FUNCJEI) Centro de Estudios Biopsicosociales LGBT (CEB-LGBT) (Dominican Republic);
- JS10 **Joint submission 10 submitted by:** Diversidad Dominicana (DIVERDOM), Coordinadora Lesbica a de Hombres Trans; Gente Activa y Participativa (GAY); Fundacion Comunidad y Justicia Internacional (FUNJEI); Comunidad de Lesbianas Inclusivas Dominicanas (COLESDOM); Centro de Estudios Biopsicosociales (CEB LGBT) (Dominican Republic);
- JS11 **Joint submission 11 submitted by:** Dominicans for Justice and Peace, Acción Verapaz, Radio Seybo, Ciudad Alternativa, CasaYa, Centro Antonio Montesinos and Seibanos sin Techo del Callejón Matencio (Dominican Republic).

*Regional intergovernmental organization(s):*

CIDH Comisión Interamericana de Derechos Humanos (United States).

<sup>2</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child

OP-CRC-IC	prostitution and child pornography;
ICRMW	Optional Protocol to CRC on a communications procedure;
	International Convention on the Protection of the Rights of All
	Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons
	from Enforced Disappearance.

- <sup>3</sup> For relevant recommendations see A/HRC/26/15, paras. 98.1–98.21; 98.31–98.33.
- <sup>4</sup> CGNK, p. 4.
- <sup>5</sup> JS6, p. 3.
- <sup>6</sup> ALD, p. 5.
- <sup>7</sup> CGNK, p. 5.
- <sup>8</sup> JS6, p. 15; AI, p. 6; JS2, p. 4 and p. 10; WCC, p. 4.
- <sup>9</sup> AI, p. 5.
- <sup>10</sup> For relevant recommendations see A/HRC/26/15, paras. 98.22–98.29.
- <sup>11</sup> JS5, p. 7.
- <sup>12</sup> JS5, p. 7.
- <sup>13</sup> JS10, p. 5.
- <sup>14</sup> JS11, p. 1.
- <sup>15</sup> JS7, p. 10.
- <sup>16</sup> JS2, p. 3.
- <sup>17</sup> For relevant recommendations see A/HRC/26/15, paras. 98.37–98.39; 98.42–98.43; 98.109–98.111.
- <sup>18</sup> JS2, p. 4.
- <sup>19</sup> JS8, p. 7.
- <sup>20</sup> CIDH, Contribución al Examen Periódico Universal, Republica Dominicana 2018, Tercer ciclo, p. 12.
- <sup>21</sup> JS2, p. 19; JS6, p. 15; JS10, p. 5.
- <sup>22</sup> JS7, p. 10; JS9, p. 2.
- <sup>23</sup> JS9, pp. 3–5.
- <sup>24</sup> JS7, p. 4.
- <sup>25</sup> JS9, p. 2. See also JS10, p. 5.
- <sup>26</sup> JS10, p. 3.
- <sup>27</sup> JS9, p. 5; JS10, p. 5.
- <sup>28</sup> For relevant recommendations see A/HRC/26/15, paras. 98.41; 98.44–98.53.
- <sup>29</sup> AI, p. 4.
- <sup>30</sup> JS11, pp. 11–12.
- <sup>31</sup> JS7, p. 8; JS9, p. 2; AI, p. 5.
- <sup>32</sup> JS9, p. 2.
- <sup>33</sup> JS7, p. 10.
- <sup>34</sup> JS9, p. 5; AI, p. 6.
- <sup>35</sup> JS10, p. 5.
- <sup>36</sup> JS10, p. 3.
- <sup>37</sup> JS11, p. 10.
- <sup>38</sup> JS11, p. 11.
- <sup>39</sup> JS11, pp. 11–12.
- <sup>40</sup> JS3, p. 13.
- <sup>41</sup> ICAN, p. 1.
- <sup>42</sup> For relevant recommendations see A/HRC/26/15, paras. 98.75.
- <sup>43</sup> JS7, p. 5.
- <sup>44</sup> JS7, pp. 9–10.
- <sup>45</sup> JS9, p. 6.
- <sup>46</sup> JS5, p. 5.
- <sup>47</sup> For relevant recommendations see A/HRC/26/15, paras. 98.77–98.78.
- <sup>48</sup> CIDH, Contribución al Examen Periódico Universal, Republica Dominicana 2018, Tercer ciclo, p. 12.  
See also: AI, p. 4; JS6, p. 14.
- <sup>49</sup> JS6, p. 14; AI, p. 4.
- <sup>50</sup> JS6, p. 15.
- <sup>51</sup> JS1, p. 5.
- <sup>52</sup> For relevant recommendations see A/HRC/26/15, paras. 98.36; 98.68; 98.71–98.74.
- <sup>53</sup> JS8, p. 7.
- <sup>54</sup> JS8, p. 11.
- <sup>55</sup> JS5, p. 10.
- <sup>56</sup> JS1, p. 13.

- <sup>57</sup> JS5, p. 9.
- <sup>58</sup> For relevant recommendations see A/HRC/26/15, paras. 98.76.
- <sup>59</sup> JS2, p. 3.
- <sup>60</sup> CGNK, p. 5.
- <sup>61</sup> WCC, p. 3.
- <sup>62</sup> JS5, p. 11.
- <sup>63</sup> For relevant recommendations see A/HRC/26/15, paras. 98.69–98.70; 98.79.
- <sup>64</sup> JS5, p. 8.
- <sup>65</sup> JS1, p. 4.
- <sup>66</sup> JS5, p. 7.
- <sup>67</sup> JS1, p. 5.
- <sup>68</sup> JS7, p. 6.
- <sup>69</sup> JS11, p. 9.
- <sup>70</sup> For relevant recommendations see A/HRC/26/15, paras. 98.90.
- <sup>71</sup> JS1, p. 4.
- <sup>72</sup> For relevant recommendations see A/HRC/26/15, paras. 98.80–98.87.
- <sup>73</sup> JS1, p. 3.
- <sup>74</sup> FGRD, p. 3.
- <sup>75</sup> A/HRC/26/15, para 98.86 (Egypt).
- <sup>76</sup> JS11, p. 2.
- <sup>77</sup> JS11, pp. 5–6.
- <sup>78</sup> JS11, p. 3.
- <sup>79</sup> JS11, p. 6.
- <sup>80</sup> JS11, pp. 5–6.
- <sup>81</sup> For relevant recommendations see A/HRC/26/15, paras. 98.91–98.99.
- <sup>82</sup> JS11, pp. 6–7.
- <sup>83</sup> JS11, p. 8.
- <sup>84</sup> WLW, p. 2. See also JS5, p. 10; ADF, p. 4. JS1, p. 7.
- <sup>85</sup> JS1, p. 7.
- <sup>86</sup> ADF, p. 6.
- <sup>87</sup> JS4, p. 5.
- <sup>88</sup> JS1, p. 8.
- <sup>89</sup> AI, p. 4.
- <sup>90</sup> JS1, pp. 6–7. See also CIDH, pp. 13–14.
- <sup>91</sup> WLW, p. 3.
- <sup>92</sup> ADF, p. 4.
- <sup>93</sup> WLW, p. 3.
- <sup>94</sup> WLW, p. 3.
- <sup>95</sup> JS1, p. 10.
- <sup>96</sup> JS5, p. 11.
- <sup>97</sup> WLW, p. 5; JS1, p. 11; AI, p. 6.
- <sup>98</sup> JS7, p. 9.
- <sup>99</sup> JS9, p. 6.
- <sup>100</sup> JS10, p. 5.
- <sup>101</sup> For relevant recommendations see A/HRC/26/15, paras. 98.100–98.106.
- <sup>102</sup> JS4, pp. 6–7.
- <sup>103</sup> FGRD, p. 2.
- <sup>104</sup> JS7, p. 8.
- <sup>105</sup> JS7, p. 10.
- <sup>106</sup> JS9, p. 6.
- <sup>107</sup> For relevant recommendations see A/HRC/26/15, paras. 98.34–98.35; 98.54–98.67; 98.88–98.89.
- <sup>108</sup> JS1, p. 12.
- <sup>109</sup> JS1, p. 12.
- <sup>110</sup> JS1, p. 14.
- <sup>111</sup> JS1, p. 2.
- <sup>112</sup> For relevant recommendations see A/HRC/26/15, paras. 98.87–98.88; 98.101–98.103; 98.108; 98.127.
- <sup>113</sup> FGRD, pp. 2–3.
- <sup>114</sup> JS4, p. 3.
- <sup>115</sup> GIEACPC, p. 2.
- <sup>116</sup> JS4, p. 2.
- <sup>117</sup> JS1, p. 10.
- <sup>118</sup> JS5, p. 11.
- <sup>119</sup> JS4, p. 5.

- <sup>120</sup> JS5, p. 12.  
<sup>121</sup> WLW, p. 5.  
<sup>122</sup> JS3, p. 2.  
<sup>123</sup> JS3, p. 3.  
<sup>124</sup> JS3, p. 14.  
<sup>125</sup> JS3, pp. 5–10.  
<sup>126</sup> JS3, p. 11.  
<sup>127</sup> JS3, p. 14.  
<sup>128</sup> JS3, p. 14.  
<sup>129</sup> For relevant recommendations see A/HRC/26/15, paras. 98.40.  
<sup>130</sup> JS5, pp. 2–3.  
<sup>131</sup> JS5 pp. 3–4.  
<sup>132</sup> For relevant recommendations see A/HRC/26/15, paras. 98.107–98.108; 98.120–98.124.  
<sup>133</sup> CIDH, Contribución al Examen Periódico Universal, Republica Dominicana 2018, Tercer ciclo, pp. 10–12. See also JS8 p. 4  
<sup>134</sup> JS8, p. 6.  
<sup>135</sup> JS8 p. 9.  
<sup>136</sup> Diáspora Venezolana, pp. 2–5.  
<sup>137</sup> WCC, p. 4.  
<sup>138</sup> Reconoci.do, p. 5. See also WLW, p. 5; JS6, pp. 8–9; JS8, p. 5.  
<sup>139</sup> JS8, p. 5.  
<sup>140</sup> JS8, p. 10.  
<sup>141</sup> AI, p. 7; WCC, p. 5.  
<sup>142</sup> JS8, p. 5.  
<sup>143</sup> JS6, p. 11.  
<sup>144</sup> ALD, pp. 3–4.  
<sup>145</sup> ALD, p. 5.  
<sup>146</sup> For relevant recommendations see A/HRC/26/15, paras. 98.112–98.119; 98.125–98.133.  
<sup>147</sup> AI, p. 2. See also: WCC, pp. 2–3; JS5 p. 4; JS6, pp. 4–11; JS11, p. 8.  
<sup>148</sup> AI, p. 3.  
<sup>149</sup> AI, p. 4.  
<sup>150</sup> JS6, p. 13. See also CIDH, Contribución al Examen Periódico Universal, Republica Dominicana 2018, Tercer ciclo, pp. 6–7.  
<sup>151</sup> JS2, p. 5.  
<sup>152</sup> AI, p. 2.  
<sup>153</sup> Reconoci.do, pp. 2–5.  
<sup>154</sup> CIDH, Contribución al Examen Periódico Universal, Republica Dominicana 2018, Tercer ciclo, pp. 7–10.  
<sup>155</sup> Reconoci.do p. 6.  
<sup>156</sup> JS2, pp. 5–8.  
<sup>157</sup> Reconoci.do, p. 5.  
<sup>158</sup> JS8, p. 9.  
<sup>159</sup> WCC, p. 4.  
<sup>160</sup> JS5, p. 6.
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