



General Assembly

Distr.: General
27 May 2019
English
Original: Spanish

Human Rights Council

Forty-first session

24 June–12 July 2019

Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Dominican Republic

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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



Report of the Dominican Republic on the recommendations made during the third cycle of the universal periodic review

I. Introduction

1. The Dominican Republic is grateful to the 66 delegations that attended the presentation of its national report during the third cycle of the universal periodic review. The Dominican Republic also expresses its appreciation for the 191 recommendations that were made with a view to improving the human rights situation in the country, especially the situation of vulnerable groups.
2. At the review that was conducted on 30 January 2019, the Dominican Republic informed the Working Group of its constant efforts to ensure that human rights are enjoyed as fully and effectively as possible and reiterated that it remained committed to cooperating with human rights mechanisms, including those of the Human Rights Council, and to maintaining a frank dialogue based on respect for all States and peoples.
3. The Dominican Republic recognizes that there are still major challenges to be overcome in this area and reaffirms its commitment to safeguarding human rights throughout national territory.
4. The Dominican Republic received 191 recommendations; of those, it accepts 127 and takes note of 64, as detailed in the following two sections.

II. Recommendations accepted by the Dominican Republic

5. The Dominican Republic accepts the following 127 recommendations, which have been put into practice or are in the initial stage of implementation: 94.37, 94.39, 94.40, 94.41, 94.42, 94.43, 94.44, 94.45, 94.46, 94.47, 94.48, 94.49, 94.50, 94.51, 94.52, 94.53, 94.54, 94.56, 94.57, 94.58, 94.59, 94.60, 94.61, 94.63, 94.64, 94.65, 94.66, 94.74, 94.75, 94.76, 94.77, 94.78, 94.79, 94.80, 94.81, 94.82, 94.83, 94.84, 94.85, 94.86, 94.87, 94.88, 94.89, 94.90, 94.91, 94.92, 94.93, 94.94, 94.95, 94.96, 94.97, 94.98, 94.99, 94.100, 94.101, 94.102, 94.103, 94.104, 94.105, 94.106, 94.107, 94.108, 94.109, 94.110, 94.111, 94.112, 94.113, 94.114, 94.115, 94.116, 94.117, 94.118, 94.119, 94.120, 94.121, 94.122, 94.123, 94.124, 94.125, 94.126, 94.127, 94.128, 94.129, 94.130, 94.132, 94.133, 94.134, 94.135, 94.136, 94.137, 94.138, 94.139, 94.140, 94.141, 94.142, 94.143, 94.144, 94.145, 94.146, 94.147, 94.148, 94.149, 94.150, 94.151, 94.152, 94.153, 94.154, 94.155, 94.156, 94.157, 94.158, 94.159, 94.160, 94.161, 94.162, 94.163, 94.164, 94.165, 94.166, 94.167, 94.168, 94.169, 94.170, 94.171, 94.174, 94.177 and 94.182.

III. Recommendations noted by the Dominican Republic

6. With respect to recommendations 94.1 to 94.36 concerning ratification of or accession to international human rights instruments, the Dominican Republic expresses its intention to promote measures that facilitate the incorporation of these instruments into domestic law.
7. The Dominican Republic takes note of recommendation 94.38 on recognizing the competence of the Inter-American Court of Human Rights. The Constitutional Court ruled on this matter in judgment TC/256/14.
8. As regards recommendations 94.55 and 94.62 on adopting legislation to combat discrimination based on sexual orientation or gender identity, the Dominican Republic states that the executive branch is drafting a preliminary general bill on equality and non-discrimination with the aim of providing the country with a regulatory tool that ensures equality for all, including population groups that may face discrimination on the basis of sexual orientation or gender identity.

9. The Dominican Republic is studying the feasibility of promoting a national action plan on business enterprises and human rights, in line with recommendation 94.67. At the end of last year, the Dominican Republic launched its first National Human Rights Plan, which was the product of a series of consultations held at the national level with various sectors of civil society. The Plan provides for specific measures to be taken in this area.

10. The Dominican Republic takes note of recommendations 94.68 to 94.73 and reiterates its commitment to investigating allegations of the excessive use of force, extrajudicial executions, violations committed by the security forces and arbitrary detention.

11. The Inspectorate General and the Internal Affairs Directorate are the oversight bodies of the national police. They are responsible for ensuring strict compliance with the Constitution and the applicable laws and disciplinary regulations, in accordance with articles 31 and 32 of Organic Act No. 590-16 on the National Police; this includes dealing with cases that may involve the excessive use of force by police officers.

12. In order to prevent such cases from arising, the institutional rule within the National Police is that all police officers should receive training on international human rights standards at the Police Training Institute. The following has been achieved in this regard: 14,621 police officers have received training on human rights; 6,688 police officers have received training on the legitimate use of force; 12,536 handbooks on the use of force have been distributed; 12,536 handbooks on community policing have been distributed; 2,783 booklets containing police guidelines have been distributed; and 854 police officers have benefited from the Mobile Teams and Police Modernization Programme.

13. Should such cases arise, the Public Prosecution Service is in charge of investigating them and, where appropriate, bringing them before the competent court.

14. The Dominican Republic takes note of recommendation 94.131. The Ministry of Labour carries out awareness-raising and training activities on a regular basis in the country's various production sectors and in schools, in order to prevent child labour.

15. The Dominican Republic takes note of recommendations 94.172, 94.173, 94.178, 94.183, 94.187, 94.188, 94.189, 94.190 and 94.191. The circumstances in which Dominican nationality may be acquired are set forth in the Constitution. As regards the situation caused by Constitutional Court judgment TC/168/13, it should be noted that Act No. 169-14 establishes a special regime for persons born in the Dominican Republic who have been registered in the Dominican Civil Registry on an irregular basis. The State has reiterated, in all reviews of its compliance with human rights standards, that there is no statelessness in the country and that any cases that may arise will be submitted and dealt with individually.

16. The Dominican Republic takes note of recommendation 94.175. It reiterates, as stated during the previous cycle, that the Government does not carry out arbitrary expulsions of migrants, whatever their migration status, but complies with both the international and national provisions that are applicable.

17. The Dominican Republic takes note of recommendation 94.176. It is not a signatory to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

18. The Dominican Republic takes note of recommendation 94.179. It is in the Government's interest to issue the relevant documents to the beneficiaries of Act No. 169-14 as soon as possible. As regards the adoption of new legislation recognizing the right of those born in the Dominican Republic before 26 January 2010 to obtain citizenship and the introduction of a fast-track naturalization process for persons in group B under Act No. 169-14, the Dominican Republic restates its position and notes that the process of receiving applications for naturalization has already been completed.

19. Thanks to the national plan for the regularization of the status of foreign nationals and the special naturalization of migrants, established by Decree No. 327-13 and implemented free of charge by the Ministry of the Interior and Police, it has been possible to regularize the status of 260,241 persons of 116 nationalities, of whom 97.8 per cent are Haitian nationals.

20. The State takes note of recommendation 94.180. In the Dominican Republic, the basic rights of all foreign nationals are guaranteed. Foreign nationals residing legally in the country, whatever their migration status, are guaranteed the enjoyment of all their rights in accordance with current legislation, without there being a need for additional guarantees.

21. The Dominican Republic takes note of recommendation 94.181. The State ensures fair access to the naturalization process for all those who comply with the relevant legal requirements. For persons in group B under Act No. 169-14, the process is simple, straightforward and quick, and the applications that have been received are currently being processed. The State takes this opportunity to reiterate that the process of receiving applications for naturalization under Act No. 169-14 has already been completed.

22. The State takes note of recommendation 94.184. The Dominican Republic is a social and democratic State that is subject to the rule of law and founded on respect for human dignity and guarantees human rights, which have constitutional status under article 74 (3) of the Constitution. The State guarantees the rights of all migrants, regardless of their migration status. For this reason, the Directorate General of Migration, welcoming decision No. 01-17 of the National Council on Migration, which extends the validity of the documents issued under the national plan for the regularization of the status of foreign nationals by one year, notes the consequences of non-renewal of these documents and gives high priority to the process of renewal and change of migration category and subcategory for the beneficiaries of this plan.

23. It should be noted that the protocol to ensure the effective renewal of such documents was established and implemented over the course of one year in four separate stages, one of which involved publicity. In order to ensure that the process ran smoothly and to raise awareness among the target population, civil society organizations and international bodies participated in the process by helping to drive the publicity campaign and providing support to beneficiaries; in this way, it was possible to reach migrants whose status had been regularized, through various channels, and to give all such persons the opportunity to preserve their migration status by renewing their documents or by changing the migration category that they had been assigned. All of this shows that the State has taken specific measures to protect the rights of migrants and can announce, now that the renewal stage has ended, that more than 209,000 foreign nationals hold the status of legal migrants in the Dominican Republic and that the rights of migrants were respected throughout the process.

24. The Dominican Republic takes note of recommendation 94.185. In the Dominican Republic, due process prevails as a universal rule in both judicial and extrajudicial proceedings. The State does not deport any foreign nationals who are legal residents in the country, nor does it deport foreign nationals who claim to have Dominican roots without conducting appropriate investigations in order to verify the information provided.

25. The Dominican Republic takes note of recommendation 94.186. The State guarantees the fundamental rights of all persons, regardless of their legal status. The State has not identified any persons who may be at risk of becoming stateless as a consequence of Constitutional Court judgment TC/168/13.
