



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Sixty-eighth session

12 to 30 January 2014

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the combined third to fifth periodic reports of the Dominican Republic

**The State party is requested to submit additional and updated information in writing, if possible before 15 October 2014 (10,700 words maximum).**

*The Committee may take up all aspects of children's rights covered in the Convention during its dialogue with the State party.*

### Part I

**In this section the State party is requested to submit answers to the following questions.**

1. Please provide information on the institutional reform process whereby many of the functions of the National Council for Children and Adolescents (CONANI) have reportedly been handed over to the recently established National Institute for Integrated Early Childhood Services. In the light of this process, please clarify which institution is responsible for coordinating the different bodies involved in the protection of the rights of children and adolescents and for monitoring the implementation of the Convention on the Rights of the Child.
2. Please provide information on steps taken in recent years to implement one consolidated national plan of action for children and adolescents that integrates all of the various sectoral plans, as recommended by the Committee in 2008 (CRC/C/DOM/CO/2, para. 12). Please also provide information on the National Plan for Guaranteeing the Rights of Children and Adolescents (2003–2013) and the key objectives of the integrated early childhood services plan adopted in 2013. Please also provide information on the strategies focusing on adolescents that are in place in the State party.
3. Please indicate what has been done with a view to appointing an Assistant Ombudsperson for Children and Youth and ensuring that this institution complies with the Paris Principles, as recommended by the Committee in 2008 (CRC/C/DOM/CO/2, para. 16). Please state whether the Ombudsman's Office has a strategic plan and policies which are in line with the Paris Principles and deal specifically with the promotion and protection

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of the rights of children and adolescents. Please indicate whether the Ombudsman's Office has received complaints about human rights violations from children and adolescents and how these cases are recorded and monitored.

4. Please provide information on the measures taken to combat persistent discrimination against girls, gender stereotyping and patriarchal attitudes that impede the full realization of girls' rights.

5. Please provide information on the allocation of suitable funding and mechanisms for the prevention of racial discrimination against children and adolescents of Haitian origin or African descent in all spheres, the investigation of cases of this type of discrimination and the penalties that have been applied in such cases.

6. Please also specify what steps have been taken to ensure that the views of minors are taken into account in legal and administrative proceedings relating to custody, guardianship, adoption and temporary placements in accordance with Act No. 136-03. Please also indicate what steps have been taken towards establishing a children's advisory council (CONANI resolution No. 2-2009).

7. Please indicate how civil registry offices in hospitals are monitored and what proactive measures are used by the staff of these offices to ensure that all newborn infants in the country are registered, especially those born to foreign parents in an irregular situation.

8. Please provide information on what impact Constitutional Court ruling 168-13 of September 2013 has had on the recognition of the Dominican citizenship of children and adolescents born to foreign parents in an irregular situation. Please also provide information on Naturalization Act No. 169 of 23 May 2014, which establishes a special regime for people born in the Dominican Republic who have been registered in the Dominican Civil Registry on an irregular basis. Please explain what will be done to ensure that the implementing regulation for this law is worded, and that the law itself is applied, in such a way as to ensure that the persons covered by this law are able to fully exercise their human rights. Please also indicate whether the implementing regulation will establish clear time frames and safeguards and whether it will allow for flexibility in regard to requirements for proof of birth and residency of persons who were not registered at birth. Please explain in detail how technical support from civil society and the United Nations will feed into this process.

9. Please provide information on the current status of the draft national guidelines for the implementation of the recommendations of the United Nations Study on Violence against Children. Please describe the measures taken to eradicate gender-based violence, including femicide and domestic violence, bring the perpetrators to justice and compensate and rehabilitate children exposed to violence against their mothers or caregivers. Please discuss the legislative measures that have been adopted in order to introduce an explicit ban on corporal punishment in all settings. In addition, please provide updated information on the way in which the "Standards for Harmonious Coexistence in Public and Private Schools" have helped to prevent violence in schools. Please indicate whether the State intends to encourage schools to include activities involving play and creative expression in their curriculum as a means of offsetting the negative effects of violence on children and adolescents.

10. Please describe the steps that have been taken to combat continued impunity for offences of sexual exploitation and sexual abuse of children and adolescents and to protect, rehabilitate and compensate victims properly. Please provide information on the implementation of the National Plan for the Eradication of All Forms of Abuse and Sexual Exploitation of Children and Adolescents, 2006–2016. Please explain how crimes involving child sexual abuse and exploitation are dealt with in the Criminal Code. Also refer to the

implementation of the cooperation agreement signed between the Ministry of Tourism and the hotel industry to combat the sexual exploitation of minors.

11. Please provide information on any complaints received, along with the corresponding judicial proceedings, convictions, follow-up and sentences handed down, in connection with sexual offences committed by ecclesiastics or members of the clergy of the Catholic Church in the State party. Please state whether the concordat signed between the Holy See and the Dominican Republic on 10 July 1954 establishes special privileges for ecclesiastics or members of the clergy who commit an offence and whether this agreement remains in force. If so, please indicate what steps are to be taken to revoke those provisions.

12. Please provide information on the effect of the Progress with Solidarity family support programme and on its sustainability in the future. In particular, explain how the conditionality of the transfers made under that programme is handled and how the Government ensures that penalties for non-fulfilment of the commitments undertaken by the families do not render children and adolescents even more vulnerable.

13. Please provide information on the progress made towards the adoption of operating standards for alternative care institutions, including regulation and oversight mechanisms. Please provide information on the number and operation of existing care facilities, including *Hogares de Paso* shelters, and explain how they are monitored.

14. Please provide information on the progress made in protecting the rights of children and adolescents with disabilities. Please describe, in particular, advances in promoting inclusive education, health and accessibility and in combating discrimination.

15. Please provide information on the implementation of the Plan for the Reduction of Maternal and Infant Mortality adopted in 2013 and the Adolescent Pregnancy Prevention Plan, 2011–2016. Please also provide data on the measures taken to prevent teenagers from dying as a consequence of clandestine abortions and on abortion-related prosecutions.

16. Please indicate what measures are envisaged to guarantee the right to education for all children and adolescents within the country. In particular, please explain why children and adolescents without a birth certificate are not entitled to sit exams or to obtain primary and secondary school diplomas and refer to the measures to be taken in order to remedy this situation.

17. Please provide detailed information on proceedings instituted by the National Committee for Refugees since 2012 in regard to children and adolescents who are applying for asylum or whose parents have applied for asylum. Please indicate how the decisions regarding such applications have been arrived at and how the Government makes sure that decisions to approve or deny the applications are well-founded. Also describe what has been done in recent years to protect child and adolescent refugees and asylum seekers and to provide them with identity documents.

18. In connection with reports received about the deportation of 881 children and adolescents to Haiti in 2013, please inform the Committee about the conditions under which these and similar deportations have been carried out and their impact on the children's and adolescents' family life.

19. Please provide information on the results of the implementation of the National Plan of Action against Trafficking in Persons and Migrant Smuggling, 2009–2014, and state whether it will be continued. Please describe the measures carried out to prevent trafficking, protect the victims, bring the perpetrators to justice, and rehabilitate and compensate the victims. Please indicate whether the State party has a system for compiling data on child and adolescent victims of trafficking.

20. Please comment on the information received by the Committee according to which some poor Haitian families hand over their children to Dominican households, where the children then go to work in those families' homes and businesses rather than attending school.

21. Please provide information on the amendment of Act No. 136-03 of 2013 with regard to increased punishments for adolescent offenders and on the anti-gang bill currently before Congress. More specifically, please indicate how the views of children and adolescents and of civil society were taken into account in the drafting of that bill and what steps have been taken to ensure that the amendments will promote the protection of children and adolescents rather than their criminalization.

## **Part II**

**In this section, the State party is invited to provide a brief update (three pages maximum) on the information provided in its report with regard to:**

- (a) Bills and new laws and their implementing regulations;
- (b) New institutions, their functions and financing;
- (c) Recently introduced policies and programmes and their scope;
- (d) Newly ratified human rights instruments.

## **Part III**

### **Data, statistics and other information, if available**

1. Please provide information on the consolidated budget, disaggregated by budget item, for the past four years in terms of resources allocated for children and adolescents. In addition, please indicate what percentage of the total national budget and of the State party's gross domestic product each budget item represents. If available, please provide budgetary data disaggregated by age, sex, disability, ethnic origin, rural or urban place of residence, and geographical location.

2. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural or urban place of residence, and geographical location) covering the past four years on the number of:

(a) Children and adolescents who have died as a result of domestic violence, common crime, easily preventable diseases and workplace accidents. Please also indicate the number of judicial proceedings initiated for each category (specifying whether before civilian or military courts) and the number of convictions and of cases in which compensation was awarded. Where possible, please provide data on the offenders, specifying whether they were law enforcement officers, relatives, heads of institutions (hospitals, secondary schools and shelters) or others;

(b) Child and adolescent victims of abuse and violence, including all forms of corporal punishment, along with additional information on the type of assistance provided to child victims, the compensation received and any follow-up, including the prosecution of offenders and the judgements handed down. Where possible, please provide data on offenders (using the categories listed in paragraph 2 (a));

(c) Child and adolescent victims of sexual violence (including cases of sexual exploitation), along with information on the outcomes of prosecutions, including the penalties imposed on the perpetrators and any reparation and compensation awarded to

victims. Where possible, please provide data on offenders (using the categories listed in paragraph 2 (a)).

3. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural or urban place of residence, and geographical location) covering the last four years on:

- (a) Infant mortality (disaggregated by cause of death);
- (b) Maternal mortality (disaggregated by cause of death), including information on the number of trials that have been held in cases involving charges of medical negligence;
- (c) Malnutrition;
- (d) Children and adolescents infected with or affected by HIV/AIDS (specifying cases of mother-child transmission);
- (e) Birth weight;
- (f) Mental illness;
- (g) Vaccination coverage;
- (h) Early pregnancies;
- (i) The scope of social security coverage for children and adolescents;
- (j) The number of child and adolescent drug users;
- (k) The actual coverage of drinking water distribution systems and sanitation facilities.

4. Please provide data (disaggregated by age, sex, disability, socioeconomic status, ethnic origin, rural or urban place of residence, and geographical location) covering the last four years on the number of children and adolescents:

- (a) Abandoned;
- (b) Separated from their parents;
- (c) Living in institutions (specifying the type of institution);
- (d) Living in foster homes;
- (e) Adopted in-country or internationally.

5. Please provide data (disaggregated by age, sex, socioeconomic status, ethnic origin, rural or urban place of residence, and geographical location) covering the last four years on:

- (a) The number of children and adolescents with disabilities;
- (b) The disaggregation of that information by disability;
- (c) Those living with their family;
- (d) Those living in institutions;
- (e) Those attending regular primary schools;
- (f) Those attending regular secondary schools;
- (g) Those attending special schools.

6. Please provide data (disaggregated by age, sex, socioeconomic status, ethnic origin, rural or urban place of residence, and geographical location) covering the last four years on:

- (a) School enrolment and completion rates as a percentage of each corresponding age group, for preschool centres and primary and secondary schools;
- (b) The number and percentage of dropouts and grade repetitions;
- (c) The ratio of teachers to pupils.

7. Please provide data (disaggregated by age, sex, disability, socioeconomic background, ethnic origin, rural or urban place of residence, and geographical location) covering the last four years on the number of:

- (a) Children and adolescents engaged in child labour, specifying the type of work, including dangerous work;
- (b) Children and adolescents living in the streets;
- (c) Child and adolescent victims of trafficking (specifying the purpose for which they were trafficked);
- (d) Children and adolescents who have been sold (specifying the purpose of the sale);
- (e) Child and adolescent victims of prostitution;
- (f) Child and adolescent victims of child pornography.

8. Please provide data (disaggregated by age, sex, disability, ethnic origin, rural or urban place of residence, geographical location and type of offence) covering the past three years on the number of:

- (a) Children and adolescents alleged to have committed an offence that was reported to the police;
- (b) Adolescents who have been convicted, specifying the type of penalty or punishment corresponding to the offence, including the duration of any period of deprivation of liberty;
- (c) Detention centres for juveniles in conflict with the law and the capacity of such centres;
- (d) Adolescents and young adults being held in such centres and minors being held in centres for adults;
- (e) Children and adolescents in pretrial detention and the average length of such detention;
- (f) Cases of abuse and ill-treatment of children or adolescents while they are in detention or prison.

9. Please update any information contained in the report that is out of date and provide the Committee with information on any new developments.

10. In addition, the State party may wish to provide the Committee with a list of the issues relating to children and adolescents that it views as having priority in terms of the implementation of the Convention.

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