



# Economic and Social Council

Distr.: General  
24 March 2016  
English  
Original: Spanish  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fourth periodic report of the Dominican Republic\*

#### I. General information

1. In the light of article 26, paragraph 2, of the Constitution, please provide information on specific examples of case law in which the rights enshrined in the Covenant have been invoked before the domestic courts and directly applied as the basis for court decisions during the past five years. Please also indicate to what extent such decisions have been enforced.
2. Please provide information on the consultations with civil society that were held during the preparation of the report and on the manner in which the Committee's previous concluding observations have been transmitted to the public.
3. In view of the Committee's previous recommendation (E/C.12/DOM/CO/3, para. 9), please provide information on the mandate, functions and resources of the Human Rights Ombudsperson, indicating whether its mandate includes the protection of economic, social and cultural rights and whether it satisfies the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles).
4. Please indicate what lessons the State party has learned from the support it provided to Haiti following the earthquake in 2010 and to what extent these lessons may be useful for international cooperation in the area of economic, social and cultural rights.
5. Please provide information on the State party's position regarding the signing and ratification of or accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

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\* Adopted by the pre-sessional working group at its fifty-seventh session (7-11 March 2016).



## **II. Issues relating to general provisions of the Covenant (arts. 1-5)**

### **Article 2, paragraph 1 — Obligation to take steps to the maximum of available resources**

6. Please provide information on the budget for social spending over the past five years, particularly in the employment, social security, housing, health and education sectors, indicating what percentage of the total national budget and of gross domestic product (GDP) each budget line represents. Please also provide information on the measures taken to increase real tax receipts, in particular by reviewing tax exemptions and combating tax evasion, with a view to increasing investment in the realization of economic, social and cultural rights.

7. Please provide updated information on the results of the measures taken to prevent and combat corruption. Please also provide information on the number of complaints of corruption filed over the past five years, the investigations conducted, the percentage of such complaints that resulted in convictions and the protection provided to persons who report cases of corruption.

### **Article 2, paragraph 2 — Non-discrimination**

8. Please provide information on the current status of the Discrimination Bill being prepared by the Attorney General, stating whether it expressly prohibits all discrimination in keeping with article 2, paragraph 2, of the Covenant and taking into account general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

9. Please provide information on the impact of the measures taken by the State party to combat discrimination against persons with disabilities and persons living with HIV/AIDS, as well as discrimination on the grounds of gender identity and/or sexual orientation, particularly with respect to the exercise of economic, social and cultural rights.

10. Please indicate how the State party has managed to prevent and counteract attitudes and practices that discriminate against Haitians and Dominicans of Haitian or African descent, especially in the exercise of their economic, social and cultural rights. Please provide information on the progress made in restoring or granting Dominican nationality to Haitians and to Dominicans of Haitian descent who were stripped of nationality pursuant to Constitutional Court ruling TC/0168/13.

### **Article 3 — Equal rights of men and women**

11. In view of the information given in paragraph 39 of the State party's report, please explain how the implementation of the National Gender Equity Plan for 2007-2017 has helped combat stereotypes about women's place in the family and society and how women's participation in political and economic life has been increased, including any rise in the figures given in paragraph 37 of the report. Please provide information on the steps taken to implement the principles mentioned in paragraph 34 of the report and what their results have been.

## **Article 6 — The right to work**

12. Please provide updated statistics on unemployment and underemployment rates, disaggregated by age, sex, ethnic or national origin, educational level, income and urban/rural area of residence. Please also provide information on the results of implementing the National Plan for Employment, describing how it has helped reduce unemployment and underemployment, especially among young people, women and other disadvantaged and marginalized groups.

13. Please provide information on the measures taken under the National Development Strategy for 2012-2030 to facilitate the transition from the informal to the formal economy.

## **Article 7 — The right to just and favourable conditions of work**

14. Please explain what mechanisms are in place to regularly adjust minimum wages and whether minimum wages are high enough to guarantee decent living conditions for workers and their families, taking into account general comment No. 23 (2016) on the right to just and favourable conditions of work. Please indicate how social partners are involved in setting and reviewing the minimum wage.

15. Please provide information on the specific measures taken to ensure that migrant workers in an irregular situation, and Haitian workers in particular, enjoy just and favourable conditions of work, including through the timely issuance of identity papers. Please also provide information on the mechanisms that make it possible for migrant workers to report cases of abuse and exploitation without fear.

16. Please provide information on the steps taken by the State party to ensure the effective and unrestricted operation of the labour inspection system and on the human, technical and material resources allocated to the system.

## **Article 9 — The right to social security**

17. Please provide updated information on the steps taken to overcome the challenges facing the State party in the area of social security and, in particular, to extend social security coverage to everyone, including workers in the informal economy, migrants in an irregular situation, homeless persons and self-employed workers.

## **Article 10 — Protection of the family, mothers and children**

18. Please provide updated information, including disaggregated statistics, on the prevalence of child labour in the State party. Please explain how the implementation of the National Strategic Plan against Child Labour for 2006-2016 and the 2014 Plan for the Permanent Eradication of Child Labour has contributed to the prevention and eradication of child labour, and how these plans have ensured that children do not work in dangerous jobs. Please also provide information on the specific steps taken by the State party to protect children, especially girls and street children, from the risk of various forms of violence and exploitation.

## **Article 11 — The right to an adequate standard of living**

19. Please provide information, including disaggregated statistics, on the impact of measures taken to combat poverty and extreme poverty in the State party, and in particular

on the practical outcomes of the “Progress with Solidarity” programme. Please include information on the resources allocated for the implementation of such measures and indicate whether these resources have proved to be sufficient.

20. Please explain how the State party ensures that asylum seekers have access to an effective procedure for determining refugee status. In this connection, please provide information on the functioning of the National Commission for Refugees and on its material and human resources. Please also provide information on the programmes in place to facilitate the integration of refugees and thus give them access to an adequate standard of living.

21. Please provide updated information on progress in assuring access to housing and on the resources allocated for this purpose. Please include statistics, disaggregated by urban/rural area and disadvantaged/marginalized group, which show the percentage of the population that has benefited from the social housing programmes run by the National Housing Institute and the percentage that still does not have access to adequate housing.

22. Please provide information on the measures taken to improve living conditions in sugar-mill camps, particularly as regards access to basic services such as drinking water and sanitation facilities.

23. Please provide information on the legislation that defines the circumstances in which evictions may be carried out, the right to security of tenure and protection from eviction.

24. Please provide information on the steps taken by the State party to ensure that drinking water services cover urban areas and are accessible in rural areas.

### **Article 12 — The right to physical and mental health**

25. Please provide information on the results of the Ten-Year Health Plan and explain how the plan has helped ensure the accessibility, availability and quality of health services in the State party, especially in rural and remote areas, taking account of income levels.

26. Please describe the steps taken by the State party to ensure the availability and accessibility of sexual and reproductive health information and services, taking into account general comment No. 22 (2016) on the right to sexual and reproductive health. Please also report on the results of implementing the National Inter-Agency Plan on the Prevention of Teenage Pregnancy and on any sexual and reproductive health awareness campaigns and educational programmes that have been conducted for the benefit of adolescents.

27. Please provide updated statistics on maternal and child mortality rates and causes, and describe the impact of the measures taken to address them, particularly in rural areas, taking account of income levels.

28. Please provide information on the measures taken by the State party to prevent the spread of HIV/AIDS and mother-to-child transmission of HIV, and to ensure the availability and accessibility of antiretroviral therapy.

### **Articles 13 and 14 — The right to education**

29. Please explain how the implementation of the Ten-Year Education Plan for 2008-2018 has helped improve the quality of education and school infrastructure, particularly in rural areas.

30. Please explain how the State party ensures that Haitian children and Dominican children of Haitian descent have access to education without any discrimination.

31. Please provide information on the specific measures taken to increase secondary school enrolment and to reduce the school dropout rate at both the primary and secondary levels.

32. Please indicate what percentage of students pursue higher education and what measures have been taken to ensure that higher education is accessible and affordable, especially for students from disadvantaged and marginalized families.

### **Article 15 — Cultural rights**

33. In view of the information given in paragraph 229 of the State party's report, please explain in more detail how the State party has promoted awareness of the cultural heritage of communities of people of African descent and created conditions that are conducive to the conservation, development, expression and dissemination of their identity, history, culture, traditions and customs.

34. Please indicate what steps have been taken to ensure that everyone, in particular disadvantaged and marginalized individuals and groups, has affordable access to the benefits of scientific progress and its applications, including the Internet.

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