



**International Convention on the  
Elimination of All Forms of Racial  
Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-second session

SUMMARY RECORD OF THE 1863rd MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 28 February 2008, at 3 p.m.

Chairperson: Ms. DAH

later: Mr. KEMAL (Vice-Chairperson)

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*The meeting was called to order at 3.05 p.m.*

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (agenda item 6) (*continued*)

Ninth to twelfth periodic reports of the Dominican Republic  
(CERD/C/DOM/12; CERD/C/DOM/Q/12/CRP.1, distributed in Spanish only;  
written replies of the State party, document without symbol distributed in the  
Committee room, in Spanish only)

1. *At the invitation of the Chairperson, the members of the delegation of the Dominican Republic took places at the Committee table.*
2. Ms. de la CRUZ (Dominican Republic) welcomed the opportunity given to her country to continue the dialogue with the Committee.
3. She said that the Dominican Republic, which shared the island of Hispaniola with Haiti, was no longer able to cope with the growing flow of illegal immigrants from the neighbouring country. The immigration policy of the United States, another country of destination for Haitian immigration, was very strict and led to the systematic return to Haiti of persons attempting to enter its territory by sea.
4. The demographic data contained in the report under consideration needed to be corrected. The population of the Dominican Republic consisted of some 9.3 million people, of whom 73 per cent were of mixed race, 16 per cent white and 11 per cent black. Owing to the strongly multiracial character of the country, it was difficult to determine the physical characteristics serving to identify a person as black.
5. The Dominican Constitution guaranteed the individual and social rights of all citizens without exception; they therefore had no need to invoke international instruments prohibiting racial discrimination. However, in pursuance of the recommendations made by the Committee following consideration, in 1999, of the fourth to eighth periodic reports of the State party (CERD/C./331/Add.1), the draft Penal Code currently before the National Congress made racial discrimination an offence. In addition, the Supreme Court of Justice had abolished the judicial bond previously required of foreigners in transit who instituted proceedings before the national courts.
6. Dominican nationality could be granted under the same rules to all foreigners who applied for naturalization, irrespective of their country of origin and race. Moreover, foreign residents in Dominican territory enjoyed the same civil rights as Dominican citizens.
7. Article 46 of the Constitution guaranteed the equality of all before the law; any rule contrary to that principle was considered null and void. Furthermore, in recognition of the principle of gender equality, the Dominican Republic had acceded to the International Convention on the Elimination of All Forms of Discrimination against Women and was the host country of the International Research and Training Institute for the Advancement of Women, which was the only United Nations body with headquarters in a Latin American State.
8. The judiciary was independent and its members, as well as those of law-enforcement services and armed forces, all received human rights training. In order to promote basic rights, the Ministry of Foreign Affairs had published a

compendium of all international human rights instruments, which was a reference book in the country. Furthermore, in order to give effect to the Vienna Declaration, adopted at the World Conference on Human Rights, the Dominican Republic had carried out a status study and drawn up a national plan of action for human rights education.

9. The Dominican Government had also set up an inter-agency commission under the Ministry of Foreign Affairs to combat trafficking in human beings.

10. In the Dominican Republic there were no systematic violations of human rights, as would be confirmed by the members of various treaty bodies and the thematic rapporteurs who had gone there at the explicit invitation of the Dominican Government.

11. In conclusion, she reaffirmed that her country was determined to promote the enjoyment of human rights by all but stressed that it had to contend with a wave of illegal Haitian immigrants, whose presence hampered the effective implementation of domestic policies and who funnelled off budget resources earmarked for education and health, in particular. She hoped that the data provided in the report of the Dominican Republic would enable the Committee to form a more accurate idea of the situation prevailing in her country and to correct a number of allegations regarding the situation of Haitians in the Dominican Republic. She pointed out that no other country had so insistently urged the international community to come to the help of the Haitian population and to create favourable economic conditions in Haiti.

12. Ms. MERCEDES (Dominican Republic), in response to the first question on the list of issues concerning the absence, in the Dominican Constitution, of a specific reference to racial discrimination, said that its articles 8 and 100 established the equality of all before the law and that the fundamental rights enshrined in the Constitution, not being limiting rights, did not exclude other rights of the same kind. Moreover, the provisions of international instruments to which the Dominican Republic was a party formed an integral part of its domestic law.

13. Any difference in legal treatment was not necessarily discriminatory, nor did the making of a distinction systematically violate human dignity.

14. Article 32 of the preliminary constitutional reform bill explicitly prohibited racial discrimination. Accordingly, the Labour Code stipulated that labour legislation applied without distinction to Dominicans and foreigners alike.

15. Mr. CASTILLO (Dominican Republic) said that the draft Penal Code, currently before Congress, contained provisions to strengthen the anti-discrimination legislation in force. Its article 336, amended by law n° 24-97, made it an offence to distinguish, in particular, between physical persons on the basis of ethnic origin, age, gender, family status, state of health, political opinion, presumed or effective affiliation or non-affiliation to an ethnic group, nation, race or a religion. Distinctions between legal persons were also punished under the new Penal Code.

16. Article 336-1 also provided that anyone who discriminated against a physical or legal person, in particular by refusing to grant property or a service, by impeding the exercise of economic activity, or by dismissing or refusing to hire a person on any of the aforementioned grounds, was liable for a two-year prison sentence and a fine of 50,000 Dominican pesos.

17. Legislation was not the only means of combating discrimination: the Dominican Republic had always endeavoured to instil into schoolchildren the principle of racial equality, which was why it had achieved such a degree of racial integration.

18. Mr. FERRAN (Dominican Republic), responding to the third question on the list of issues, said that law no. 6130 on the expression and dissemination of ideas was in compliance with the provisions of the Convention and laid down penalties not only for persons who incited to racial hatred but also for the directors of media that defamed particular racial or religious groups.

19. Ms. BENCOSME (Dominican Republic), replying to the fourth question on the list of issues, said that Migration Act n° 285-04, approved in August 2004, authorized the Director-General for Migration to order the expulsion of foreigners who had entered and resided in the territory unlawfully or who had obtained an entry or residence permit by making a false declaration or by presenting forged documents. In addition, the Minister of the Interior could order the expulsion of a foreigner whose activities impaired social peace, national security or public order. Expulsion would not be ordered if the foreigner concerned had been married for more than 10 years to a Dominican citizen or had children of Dominican birth, duly registered in the civil registry.

20. Foreigners under expulsion orders benefited from minimum safeguards, including the right to be heard by the administrative authorities, the right to know the reasons for their possible expulsion, the right to legal assistance, the right to an interpreter and the right to appeal against expulsion.

21. The Republic of Haiti and the Dominican Republic were bound by a number of repatriation protocols which laid down the legal and practical conditions for repatriation; their purpose was to return to their country Haitian citizens who had illegally entered Dominican territory. At the practical level, the two States had agreed that persons under repatriation orders could be returned only in daytime, through specific border posts, and that families could not be split up.

22. Ms. CRUZ TAVERAS (Dominican Republic), responding to the fifth question on the list of issues regarding the remedies available to Haitian immigrants or persons of Haitian origin who were victims of racial discrimination or racist and xenophobic aggression, said that such persons came under article 336 of the Penal Code as amended by law no. 24-97. They were also protected by the courts, the Office of the Public Prosecutor, national security services, churches and national or international civil society organizations, which sought to uphold their basic rights and provided them with a variety of free services.

23. The Dominican State ensured that all Haitians, or persons of Haitian origin and all foreigners present on its territory were informed of their right to be protected against all forms of discrimination. A large number of programmes were broadcast on radio and television for that purpose, including some in Creole.

24. Replying to the sixth question on the list of issues, she said that no complaint of racial discrimination had been lodged in her country, which was why the courts had not been seized of requests for compensation or handed down any decision in that regard.

25. As for the establishment of an office of Ombudsman (*Defensor del Pueblo*), the Chamber of Deputies had set up a special commission to designate, by the end of the current parliamentary session, the person who would be vested with that function.

26. In response to the seventh question on the list of issues, she said that the upsurge of violence was not peculiar to the Dominican Republic. That violence was not directed exclusively against Haitians and persons of Haitian origin and affected persons of every nationality.

27. Regarding the case mentioned in the written replies of three Haitians who had been burned alive, an investigation had been opened to ascertain the facts, which were apparently linked to a money theft whose victims had died in particularly violent circumstances.

28. Concerned about the upsurge in violence in its territory, the Dominican Government had in 2005 adopted a security plan, which had brought down the crime rate.

29. Ms. BENCOSME (Dominican Republic), replying to the eighth question on the list of issues, said that, under the Migration Act, the State could expel from its territory foreigners who became a public burden or were harmful to society irrespective of their status under immigration legislation, such as beggars and drug peddlers. That provision had never been applied to Haitian citizens.

30. Ms. PIÑA (Dominican Republic), replying to the ninth question on the list of issues, denied the reports that the Dominican authorities refused to issue identity documents or duplicates of birth certificates to Dominicans of Haitian descent on account of their ethnic origin. The Central Elections Board (*Junta Central Electoral*), which was the governing body for questions of civil status, had strengthened its procedures for monitoring the authenticity of birth certificates and digitized some 18 million certificates in order to discharge its function effectively and efficiently and meet users' requests to the best of its ability. All requests to renew identity documents were handled under the new procedures, whether or not they had been made by Dominicans of Haitian descent.

31. Mr. NEWTON GUILIANI (Dominican Republic) noted, with reference to question 10, that several high-ranking judges had been victims of identity theft owing to flaws in the security system protecting the production of identity documents. That showed to what extent it was difficult in the Dominican Republic to guarantee the authenticity of a birth certificate. Circular no. 17 had therefore been issued to combat identity fraud in order for civil registry officials to check whether there was any irregularity in the establishment of documents; that was therefore not linked to the particular situation of citizens of Haitian origin.

32. Ms. MERCEDES denied that documents had been confiscated or destroyed to prevent workers from having access to certain information or complaints services. Workers who contacted the Ministry of Labour (periodic report, para.13) for advice were not questioned about their legal status or nationality, as that would be discriminatory.

33. Mr. NEWTON GUILIANI (Dominican Republic), in response to question 12, said that the Foreigners' Book had been created following numerous requests from consulates and embassies seeking to facilitate registration of their nationals

accredited to the country and so that each diplomatic mission could establish the birth certificates of its citizens. Consequently, the purpose of the Foreigners' Book was not to exercise discrimination against Haitians; and similarly, the use of the colour pink for birth declarations for children born of Haitian mothers was strictly in order to distinguish them from documents used for children born of Dominican mothers.

34. As for the *Yean and Bosico children v. the Dominican Republic* case, before the Inter-American Court of Human Rights, the parents of the girls, Yean and Bosico, carried papers proving their Dominican nationality and should therefore have been registered as nationals. Furthermore, the provisions concerning Foreigners' Books stipulated that a child born without nationality in the Dominican Republic of a non-resident mother came under the Convention relating to the Status of Stateless Persons and could be registered as a Dominican national only in exceptional cases. The Foreigners' Book was a significant advance for everyone, including Haitians born without documents in the Dominican Republic, who could henceforth have a name and nationality at birth. A well-established procedure thus enabled the consulate of their country to issue a birth certificate to them immediately.

35. Ms. CRUZ TAVERAS (Dominican Republic), turning to question 13 on measures to combat trafficking in persons, said that in 2003 the Dominican Republic had adopted law n° 137-03 03/2007 on illegal trafficking of migrants and trade in persons, which was fully in line with the Palermo Convention against Transnational Organized Crime and its protocols. Furthermore, a strategic anti-crime plan, setting out the main lines of State policy to fight organized crime, corruption and fraud, was currently being prepared; and the Office of the Attorney-General of the Republic contained a department tasked with combating trafficking of immigrants and trade in persons which worked in collaboration with the Directorate of Immigration, and thereby with the United Nations. She drew the Committee's attention to judgment no. 03/2007, of January 2007, under which the organizers of an illegal trip in which several Haitians had died of asphyxiation had received prison sentences of 15 and 20 years for illegal trade in persons.

36. Mr. JIMENEZ (Dominican Republic), taking up question 14 on measures adopted by the State party to facilitate access by immigrants of Haitian origin to basic services, said that nationals and foreigners had equal access to such services (water, housing, health care, education, transport, justice, etc.) without any discrimination. All children could have four years of primary schooling, whether or not they had a birth certificate and irrespective of the legal status of their parents. The rules in force governing the enrolment of Haitian children in schools were strictly respected by the authorities.

37. Mr. BANKS PELAEZ (Dominican Republic), on the subject of health services accessible to foreigners, explained that in the Dominican Republic anyone could go to a hospital for treatment. Between 2005 and 2007, 945,000 foreigners had been treated in State hospitals, 98.5 per cent Haitian and 1.5 per cent other foreigners. In terms of the public health budget, that represented some \$30.5 million.

38. Mr. JIMENEZ (Dominican Republic), providing additional information in reply to question 14, said that the health services enjoyed by foreigners were supplied not only by the public sector but also by the private sector, which had conducted 173,000 medical consultations and 124,000 dental consultations in 2006.

In addition, in the sugar-cane plantations and factories, Dominicans and foreigners enjoyed exactly the same rights and had access on an equal footing to services, even if those services were not always of the same quality as in the big cities.

39. With regard to question 15 on the State's monitoring of the sugar-cane industry, inspectors did indeed visit the various plantations and factories to make sure the persons working in that sector did so voluntarily and freely. They could change their place of work, without any restriction. In addition, the Haitian consulate was actively involved in monitoring the situation of Haitian workers in the Dominican Republic.

40. Ms. PIÑA (Dominican Republic), replying to question 17, said that the Central Elections Board had developed a system for the professionalization and systematic training of civil registry officials. The school for election and civil registry officials (EFEC) had been established for that purpose in January 2008. In-service training was also provided through workshops and meetings with State officials.

41. Mr. de la CRUZ (Dominican Republic) added that there were two major training institutions in the Dominican Republic: the Institute of Human Dignity, which came under the national police, and the School of Human Rights and International Humanitarian Law. Each year, those two institutes provided in-service training to members of the armed forces and police on international human rights standards, with particular reference to tolerance and cultural diversity. The courses were given each year to 4000 police officers and 4000 members of the armed forces.

42. Ms. DEPOLANCO (Dominican Republic), going back to the second part of the sixth question, said that a human rights commission had been established in the Dominican Republic which was fully in line with the Vienna Declaration and Programme of Action. The inter-agency commission, composed of representatives of different State bodies and civil society organizations, had recently examined the first paragraph of article 14 of the Convention and that study should soon be completed and should be followed by concrete measures.

43. Mr. AVTONOMOV, Country Rapporteur, noted that the Dominican Republic had not ratified the amendment to article 8 of the Convention and had not made the declaration under article 14 of the Convention. He wished to know the State party's position in those two regards.

44. He also wished to know the proportion of Dominican children of Haitian origin enrolled in school in relation to the national average. There was a problem of functional illiteracy among Dominicans of Haitian origin that needed to be resolved. It would be useful to know the position of the Government on the subject.

45. With regard to the access of immigrants to citizenship, he noted on page 22 of the State party's written replies that the procedure followed in the Dominican Republic was equivalent to the *modus operandi* of various European countries and that children born of parents who were not nationals were registered as foreigners irrespective of their legal status in the country. However, in European countries, use was made traditionally of the doctrine of *jus sanguinis*, whereby the nationality of the children was determined by the nationality of the parents, whereas in the Dominican Republic the doctrine of *jus solis* was used, making the determining factor the place of birth. Considering the restricted interpretation of *jus solis* given by Migration Act No. 285-04, he wished to hear the delegation's comments on the matter.

46. Mr. KJAERUM said that there was such a discrepancy between the information provided by the State party and that communicated by a very large number of non-governmental organizations that they seemed almost to be talking about two different countries. Political discourse in the State party was slanted against Haitian immigrants and that fact was strongly exploited by the country's entrepreneurs. Noting further that, in the Dominican Republic, identity cards must state whether the holder was "black", "white" or "mulatto", he wished to know whether the individuals concerned identified themselves in that way or whether there existed official criteria to determine a person's colour. That policy was dangerous as it meant that the State party assigned predominant importance to people's colour, while the Committee had always considered skin colour to be a characteristic of human beings like any other and part of each person's unique identity.

47. He took it that it was because of strong demand in the sugar-cane and construction industries that the Dominican authorities had been led to seek cheap labour, in other words, Haitian labour. He wished to know what the Dominican delegation thought of the assertions that the Dominican Republic practised human trafficking in Haitians, who lived in such frightful conditions that they had been said by some to be in a situation akin to modern slavery. In addition, there were numerous reports that social and legal forces in the country had the combined effect of relegating such persons to a status from which they could not escape.

48. He noted that, according to the periodic report under consideration, most persons of African origin were in the lower strata of society (CERD/C/DOM/12, para. 56) and that such persons, particularly women, were employed in the free zones and the informal economy (ibid., para. 66), where labour legislation was lax and the rights of workers were not protected. He wished to know what steps the Dominican authorities had taken or were intending to take to protect women of African origin who worked in those zones. He drew the attention of the delegation to the importance of the Committee's General Recommendation No. 25 concerning the double discrimination of which women were victims.

49. On the question of non-citizens, he asked what the Dominican authorities intended to do to ensure that children without identity documents could be enrolled in schools. He also requested information about the measures planned by the State party to protect the 30,000 to 50,000 Dominican women who lived from prostitution abroad.

50. Mr. de GOUTTES said that he was gratified to note the role entrusted to the "Defensor del pueblo", the proposed establishment of a national human rights commission and the rather comprehensive provisions to prohibit racial discrimination contained in the Dominican Penal Code. Nevertheless, it appeared from the ninth periodic report of the Dominican Republic that the approach followed by that State party in regard to race and descent was very ambiguous and very complex. He thus noted that Dominicans regarded themselves as a single people (ibid., para.1) and that, historically, the Dominican Republic had refused to recognize the existence of a population of African origin (ibid., para.7), but that, at the same time, the Ministry of Culture had for the first time in Dominican history defined a cultural policy that acknowledged the African contribution (ibid., para. 35); there was a contradiction there. He also noted that 90 per cent of the Dominican population were descended from blacks (ibid., para. 67), that other races,



such as whites and Asians, had come to constitute an ethnic group which, through interbreeding, displayed genetic and physical characteristics unlike those of its progenitors (ibid., para. 67) and that persons of African origin were victims of racial discrimination (ibid., para.74). He requested clarifications concerning the approach followed by the Dominican Republic with regard to race, skin colour and origin.

51. He also wished to know if it was true that a Dominican's identity card, voter registration card and driving license always mentioned the holder's skin colour and, if so, whether the Dominican authorities intended to put an end to that practice. It would also be useful to know whether, as reported by many NGOs, the State party engaged in mass expulsions of Haitians and whether measures had been taken to improve living conditions in the *bateyes*, the company shantytowns on sugar-cane plantations.

52. Mr. PROSPER wished to know what criteria were used by the Dominican authorities to determine the colour of their citizens and, more specifically, whether that was the responsibility of the persons actually concerned or whether the Dominican Government played a role in that regard. Concurring with many NGOs that Haitians suffered strong discrimination in the Dominican Republic, he asked if that situation was due to the colour of their skin, their nationality, their often unlawful status or their poverty.

53. On the question of registration of births, he noted that, according to reports he had received, children born of non-Dominican mothers could obtain a residence permit after 10 years of residence in the country; he wished to know whether that policy also applied to children born of non-Dominican mothers living illegally in the country. He also asked the delegation to say whether the children could subsequently choose their nationality or whether they became Dominican by default because they could not claim the nationality of their mothers.

54. He inquired whether the authorities considered undocumented Haitians to be persons in transit and how the Dominican authorities fixed the length of the transit period.

55. Mr. PETER said he was surprised that the periodic report of the State party consisted of only 16 pages, while the written replies to the list of issues amounted to no fewer than 43 pages. He noted that, under article 11 of the Constitution, all children born in the territory of the Dominican Republic acquired Dominican nationality at birth, with the exception of those whose parents were diplomats or "in transit". However, under the new Migration Act, adopted in 2004 and applied since August 2007, which had redefined the exception of persons in transit, only the children of residents born on Dominican soil could acquire Dominican nationality. That notion of transit was dangerous, especially for Asians or Dominicans of Haitian origin, of whom a large number, considered to be in transit, did not therefore have the right to receive identity documents even though they had been living in the country for 15 years or, in some cases had even been born there. He recalled that the Inter-American Court of Human Rights had even considered that that Haitians were thereby placed in a permanent situation of illegal residence in the country.

56. Notwithstanding the statement by a member of the delegation concerning the sophisticated system adopted by the State party to digitize identity documents and streamline the birth registration system, a child who had not been registered at birth would never enjoy the advantages of the digitization of the birth registration scheme

since, in the eyes of the system, he or she would never exist. Moreover, children who were not registered at birth had no legal existence in the country and consequently could never be enrolled in school. It was particularly surprising that the Dominican Republic had defined the concept of citizenship but had not managed to define and strictly apply the concept of transit.

57. According to many reports, being black was directly associated, in the Dominican Republic, with being Haitian and there was a direct link between the level of discrimination suffered by a person and that person's Haitian origin. Considering that situation to be of extreme concern, he wished to know, like Mr. de Gouttes, whether skin colour was always mentioned on the identity cards of Dominicans and, if so, asked the delegation to explain the practical usefulness of such information for the authorities.

58. Concerning the practice of mass deportation, he said he was outraged to learn that, while many countries had signed agreements guaranteeing the free movement of persons and goods in their territory, the Dominican Republic and Haiti had each signed a protocol allowing them to deport their respective citizens. According to reports he had received, Haitians could be assembled without notice, without being able to recover their clothes or even their last pay and be placed for more than 48 hours in a detention centre, without water or food, pending their expulsion. That practice was contrary to article 13 of the International Covenant on Civil and Political Rights, to which however the Dominican Republic was a party.

59. Scandalized that the Dominican Republic had made it a way of life to expel its neighbours, as he stressed that, whatever happened, Haiti would always be the neighbouring country of the Dominican Republic and that it would be better, under those circumstances, to favour cohabitation rather than constant confrontation.

60. Mr. DIACONU said that the Dominican Republic behaved like a city under siege which was doing everything possible to defend itself against the invader. He was dismayed that the country should have acquired a birth registration system that excluded a very large number of children from the right of automatic access to citizenship. The State party's policy of refusing to register the birth of some children was disturbing and raised more problems in terms of the rights to life than in terms of citizenship, since a child who was not legally registered in the country did not exist and could therefore vanish without a trace. He was dismayed that Dominican hospitals refused to issue birth certificates for children whose fathers were not Dominicans or for children whose mothers were of Haitian origin. He asked the delegation to say whether, in the State party, children were guilty of the nationality of their parents.

61. On the question of reciprocity agreements, he said and that he was stunned to learn that in the Dominican Republic a foreigner citizen's civil rights were recognized only if the country of origin of the person concerned granted similar rights to Dominican citizens living there. He recalled that the principle of reciprocity in no way applied to human rights, for if it did, one could ask what rights would be granted by the Dominican Republic to a foreign citizen from a country where there were no Dominicans.

62. Furthermore, noting from the report (CERD/C/DOM/12, para. 76) that the number of children of Haitian nationality enrolled in schools was around 18,500, which was a very low figure in view of the fact that 1 million Haitians lived in the

State party (*ibid.*, para. 3), he asked the delegation to explain why so few Haitian children attended school and wished to know how many of them had a residence permit or had been naturalized.

63. He would welcome comments from the delegation on paragraph 8 of the 2003 report by the independent expert on the question of human rights and extreme poverty following her mission to the Dominican Republic (E/CN.4/2003/52/Add.1), according to which racism was a major ingredient of poverty in the Dominican Republic, especially against Haitians and Dominicans of Haitian descent, even when their families had been living in the country for generations. The report also stated that the steady flow of very poor Haitian migrants served the interests of Dominican entrepreneurs who were thus able to take advantage of the constant renewal of cheap labour to drive down wages.

64. Mr. MURILLO MARTÍNEZ welcomed the very broad composition of the Dominican delegation, which showed that the Dominican Government wished to revive a constructive dialogue with the treaty bodies. He noted with satisfaction that the State party was gradually recognizing the diversity of Dominican society, which was an essential step for the public authorities to be able to understand the problems of minorities and find ways of solving them. He therefore wished to know whether the Dominican Government was willing to promote and strengthen nation-wide dialogue with the representatives of the various communities, including Haitian migrants; such an initiative would be highly desirable given that the Durban Review Conference would be taking place in 2009. He inquired, lastly, how many children of immigrants did not have access to education owing to a lack of birth certificates and suggested that the State party should seek international cooperation in order to remedy the shortcomings of its present birth registration system.

65. *Ms. Dah resumed the Chair.*

66. Mr. LINDGREN ALVES said that the State party should remove all reference to race in identity documents and define categories taking into account ethnic and racial characteristics, but that would be used solely for census purposes and make it possible to develop well-targeted affirmative action measures for the most disadvantaged groups and, subsequently, to determine their effectiveness.

67. In view of the statement in paragraph 74 of the report (CERD/C/DOM/12) that persons "of African cultural origin" were among the main victims of poverty, he wished to know whether such persons formed a distinct category and, should that be so, how they were distinguished from persons of mixed race and others of African descent. Similarly, he was somewhat puzzled by the expression "subversive propaganda" used in paragraph 32 of the report and asked for clarification. He also inquired whether *cimarrones* (descendants of runaway slaves) benefited from public social aid programmes. Lastly, he wished to know whether the Dominican Republic was a secular or a religious State.

68. Mr. SICILIANOS wished to receive fuller information about the content and implementation of Migration Act n° 285-04, which had been said by the delegation to present problems of compatibility with the Constitution, and asked about the difficulties encountered by young people born of Haitian parents who wished to go to university in the State party.

69. Mr. THORNBERRY requested further information about education, in particular the content of the innovations planned in the new curriculum mentioned

in the report (CERD/C/DOM/12, par. 82), explaining exactly why they did not "introduce content that would radically alter the role of Blacks in everyday life". It would also be useful to know how national history was taught, whether issues relating to racial and ethnic diversity were addressed and whether courses were given on interracial and interethnic tolerance and the fight against racism.

70. Referring to paragraph 74 (e) of the report, he asked what values of African origin were to be preserved and what factors threatened their existence. He found the choice of the expression "racial purity" in paragraph 67 of the report to be unfortunate, even in a negative context, as it suggested that one racial group could be superior to another. In addition, the word "race" was rather reductive, as it did not take into account cultural, linguistic and other dimensions, unlike the expression "ethnic affiliation".

71. Mr. CALI TZAY asked the Dominican delegation to comment on reports from non-governmental organizations that, in May 2005, large numbers of Haitian migrant workers, including lawful residents and Dominicans of Haitian origin, had been expelled to their country of origin by the Dominican authorities, who had even destroyed the residence permits and identity documents presented by the persons concerned.

72. Lastly, referring to the statement by the delegation that the absence of case law in regard to racism proved that the Dominican Republic was not affected by that phenomenon, he stressed that the existence of racism in the country could not be measured by the yardstick of the number of complaints or convictions for racism and that no country in the world, particularly those that had experienced colonialism, was untainted by that scourge. He requested the delegation's opinion on the subject.

*The meeting rose at 6 0.5 p.m.*