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Civil and Political Rights**

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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**List of issues in relation to the sixth periodic
report of the Dominican Republic**

Addendum

**Replies of the Dominican Republic to the list of
issues***

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* The present document is being issued without formal editing.



Replies to the issues raised in paragraph 1

1. The Supreme Court of Justice has directly applied the International Covenant on Civil and Political Rights in the following rulings: No. 48 of 22 April 2013 (arts. 9 (3) and 14 (3)), No. 166 of 22 February 2012 (art. 14), No. 36 of 27 November 2013 (art. 14), No. 40 of 28 March 2012 (arts. 14 (1) and 14 (3)) and No. 218 of 31 May 2013 (art. 14). There is no record of any rulings invoking articles 3, 6, 7 or 17. With regard to the progress of the National Action Plan on Human Rights, the Action Plan has been prepared but is currently pending approval by the corresponding authorities; it is hoped that this will occur in the course of 2017. In parallel, the Ministry of Foreign Affairs has put in place a system for tracking the implementation of United Nations recommendations (SIMORED) with a view to ensuring greater transparency in the handling of human rights issues in the country. As to the unconstitutionality of the instrument recognizing the jurisdiction of the Inter-American Court of Human Rights, signed by the President of the Dominican Republic on 19 February 1999, Constitutional Court Decision No. 0256/14 remains in force for the reasons laid out therein.

Replies to the issues raised in paragraph 2

2. The independence of the Ombudsman was established by Act No. 19-01. The Ombudsman is selected by the Senate from a shortlist of three candidates put forward by the Chamber of Deputies. In 2010, the Constitution was amended to grant the Office of the Ombudsman constitutional status, and the Office's independence was reiterated under article 190. To date, the Ombudsman has submitted activity reports to the National Congress for the periods 2013/14, 2014/15 and 2015/16. All of those reports can be accessed by the public online at the official web portal (www.defensordelpueblo.gob.do). In accordance with the Constitution, Act No. 19-01 confirms the budgetary and administrative autonomy of this constitutional body, clearly stating in article 37, paragraph I, that from the second year onwards, the budget of the Ombudsman's Office may not be reduced. The State endows the Office with a budget each year in the amount of 150 million Dominican pesos. The Ombudsman's Office is located in the capital and has a staff of 63 employees who see to the Office's substantive work and perform support activities.

Non-discrimination (arts. 2, 16 and 26)

Replies to the issues raised in paragraph 3

3. In addition to the provisions made under article 39 of the Constitution of 2010, article 58 provides for the protection of persons with disabilities. Furthermore, the Organic Act on Equal Rights for Persons with Disabilities (No. 5-13), which marked the starting point of the process to align existing legislation with the Convention on the Rights of Persons with Disabilities and its Optional Protocol, was passed into law in 2013. In 2016, national standards on accessibility of the physical environment and universal design criteria and general requirements were prepared and approved. A draft general law on equality and non-discrimination, intended to further safeguard the human rights of vulnerable populations, is currently pending adoption. There are a number of public programmes and policies for the inclusion of vulnerable groups, such as the "Hide No More" programme. To date, 120 workshops have been held across the country under that programme; information on the geographical scope of the programme is available in the statistics section of the National Council on Disability (CONADIS) web page or at https://public.tableau.com/shared/JWYF2DSRG?:display_count=yes. In addition, the State has an agenda for inclusive development. The Municipal Agenda for Inclusive Development includes measures relating to various cross-cutting issues affecting community interests. To date, three independent living workshops have been held, attended by over 150 persons with disabilities and non-disabled persons, out of a total of five workshops designed to cover the entire country. In 2016, the Ministry of Education, with support from CONADIS, established the Department for Accessible Infrastructure,

pursuant to Departmental Order No. 02-2017 and in line with the 2030 Agenda for Sustainable Development, Goal 4 of which is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

4. As to access to health-care services, Resolution No. 212-02 of 2009 of the National Social Security Board extended direct coverage to persons with disabilities who live on low incomes, including them among the groups entitled to benefits under the Subsidized Family Health Insurance Scheme. The 2013 national household survey found that 58.7 per cent of persons with disabilities are covered by some form of health insurance scheme. With regard to the labour sphere, article 14 of the Organic Act on Equal Rights for Persons with Disabilities (No. 5-13) set employment quotas of 5 per cent for the public sector and 2 per cent for the private sector. The Department for Labour Market Inclusion of CONADIS has secured arrangements for 84 jobs under various models, such as open-ended contracts, temporary contracts and task-bound recruitments. The Dominican Republic is taking part in the Organization of American States project to strengthen expertise among justice system and related officials with regard to the right of persons with disabilities to exercise legal capacity. The project, which comprises nine training workshops, aims to strengthen the theoretical and practical expertise of justice system officials with regard to the legal capacity and access to justice of persons with disabilities. A seminar on access to justice for children and adolescents with disabilities will be offered at the National Legal Service Training Academy in 2017 as part of the preparatory training for justices of the peace with a view to improving such access.

Replies to the issues raised in paragraph 4

5. Since 2012, the Dominican Republic has operated a 24-hour emergency hotline that offers assistance nationwide to women who have been a victim of any kind of violence or death threat; it also has a mechanism for reporting incidents. As at 2016, 3,544 women in Santo Domingo and 139 elsewhere in the country had received such emergency assistance. Of the calls received by the hotline in 2016, 91 were from woman migrants, most of whom were Haitian nationals. The National Programme for Prevention and Comprehensive Care offers legal and psychological support through provincial and municipal offices and the central headquarters of the Ministry of Women's Affairs. Between January and December 2016, assistance was provided in 697 cases brought before the courts; some 100 migrant women of various nationalities benefited from services under the Programme. Each of those offices hosts a migrant support centre, which provides assistance and guidance to counter human trafficking and smuggling nationwide. A number of shelters have also been opened, offering temporary protection and comprehensive legal, social and physical and mental health services to women in situations of extreme violence and their children. Between January 2016 and May 2017, the shelters provided protection for 78 migrant women and their children. In addition, the Inter-Agency Committee for the Protection of Migrant Women (CIPROM) has been set up. This inter-institutional forum was established under Decree No. 97-99 to develop plans for strengthening governmental and non-governmental action to protect women migrants, in particular those trafficked for purposes of sexual exploitation. The plans are geared towards women and girls who have been the victim of any kind of violence or are survivors of attempted femicide or human trafficking, without regard for race, nationality, religion or social or migratory status, as well as towards the staff of the Ministry of Women's Affairs and the member bodies of CIPROM. With backing from the Pan American Health Organization/World Health Organization, the Ministry of Health has produced educational material in Spanish and Creole on a range of health-related issues to support health promotion initiatives in the border region. Health services are regularly provided free of charge to Haitian nationals throughout the public health-care network (further details are available in the annexes).

Sexual orientation and gender identity (arts. 6, 7, 17 and 26)

Replies to the issues raised in paragraph 5

6. In addition to article 39 of the Constitution of 2010, the HIV/AIDS Act (No. 135-11) contains specific provisions on eliminating the stigma and discrimination associated with HIV/AIDS. Articles 186 and 303-309 of the Penal Code criminalize the offences of abuse of authority against individuals, torture or barbarity, threats, battery and beatings. Articles 336, 336-1 and 341 criminalize the offences of assault, discrimination, arrest without a court order and confinement without a court order or otherwise illegal confinement. As a part of the overall effort to combat all forms of discrimination, a network of comprehensive care services was established across the country. Coordinated efforts have also been undertaken with civil society organizations, local non-governmental organizations (NGOs) — such as *Coalición ONG-SIDA*, *Amigos Siempre Amigos*, *Trans Siempre Amigas*, the *United Women’s Movement*, *CONADIS*, the *National Council for the Elderly* and the *Centre for Comprehensive Guidance and Research (COIN)* — as well as international organizations, including the following United Nations bodies: the *United Nations Development Programme (UNDP)*, the *Joint United Nations Programme on HIV/AIDS (UNAIDS)*, the *United Nations Office on Drugs and Crime* and the *United Nations Population Fund*. In the same vein, the *National Council on HIV/AIDS* organized the *National Dialogue on HIV and the Law*, with support from UNDP and UNAIDS. Participants in that event examined some 50 cases involving issues related to health-care services, access to antiretroviral treatment, discrimination in the workplace and at school, police abuse, prisons, migrants, the criminalization of HIV transmission, family issues, drug users and HIV, sexual orientation and gender identity, and sex work. One of the outcomes of the *National Dialogue* was the establishment of the *Human Rights Observatory for Vulnerable Groups* by COIN, with support from the *National Council on HIV/AIDS*. As stated on its official website, the Observatory is a platform for civil society organizations to report human rights violations against vulnerable groups and to follow up on and track those reports with a view to filing complaints with the authorities competent to punish such acts and to providing support for the formulation of the necessary public policies to safeguard the human rights of these groups. The Observatory accords priority to the following vulnerable groups: male and female sex workers; lesbian, gay, bisexual, transsexual and intersex groups; drug users; persons living with HIV; victims of human trafficking or smuggling; persons with disabilities; victims of gender-based violence; immigrants; and youth in conflict with the law.

7. The *National Group for the Elimination of all Forms of Stigmatization and Discrimination* has been set up, and a draft general law on equality and non-discrimination is currently pending adoption. The aim of the law is to further safeguard the human rights of vulnerable populations. Working through the *Attorney General’s Office*, the Dominican State has followed up and resolved the cases brought before that body. For example, on 7 July 2017, the *Court of Monteplata* sentenced an adolescent to 5 years’ imprisonment for killing a transsexual person (*Adelli González Montilla*, known as *Alexa*). On 12 July 2017, the *Human Rights Unit of the Attorney General’s Office* received a complaint from *Denis Rivera*, who had been discriminated against by officials of the *Special Tourist Safety Unit (CESTUR)* patrolling the historic district of *Santo Domingo*. As a result of that complaint, a meeting was held with representatives of COIN, CESTUR and the NGO *Trans Siempre Amigas* and training courses were run for the staff of the *Specialized Border Security Corps* by the *Human Rights Unit of the Attorney General’s Office*. On 7 September 2015, a transsexual person (*Manolo Baret García*, known as *Susi*) was killed by a single gunshot to the chest in the *Friusa* district of *Bávaro*; *Carlos Alberto Ortiz Hernández* is being prosecuted for that crime and is currently being held in pretrial detention at the *Anamuya* prison in *Higüey*. Activities in support of the lesbian, gay, bisexual, transsexual and intersex community included the *Fashion without Discrimination/Fashion for All* show as part of *Dominican Republic Fashion Week 2015*, as well as communications campaigns, such as the international *Zero Discrimination Day* and *Zero Hate Crimes* campaigns. At the grass-roots level and on social networks, civil society organizations have launched a campaign to encourage the filing of reports concerning violations of the human rights of

transsexuals who, owing to a lack of other opportunities, engage in sex work. The campaign, which grew out of protests in response to killings of transsexuals, used the written press, social networks and television programmes to raise awareness of the issue, including among justice sector officials.

Equality between men and women (arts. 3, 25 and 26)

Replies to the issues raised in paragraph 6

8. In order to give effect to the principle of equality between men and women as provided for in the Constitution, the Dominican State is currently working on ways to mainstream a gender-equality focus within implementation of the 2030 National Development Strategy. The Central Electoral Board, which is the body responsible for ensuring fair elections, issued Resolution No. 00/2015 on gender quotas. The Women's Political Leadership School under the Ministry of Women's Affairs is another initiative designed to ensure broader participation by women. A bill currently being drafted on the electoral system recommends that 50 per cent [of candidates for seats in the Chamber of Deputies and on municipal councils] are to be women and 50 per cent men (art. 102); at present, 33 per cent of candidates must be women. Turning to the results of the implementation of the second National Gender Equity and Equality Plan, covering the period 2007-2017, 61 per cent of institutions have addressed the issue of promoting a culture of gender equality and equity, 51.6 per cent have addressed the issue of eliminating all forms of violence against girls and women and 45 per cent have moved to safeguard the rights of women and their full exercise of citizenship, as well as to strengthen economic empowerment and boost efforts to end poverty among women.

9. The Ministry of Health prepared the National Strategic Plan on Gender Mainstreaming in the Health Sector for the period 2012-2017. A more targeted assessment of the impact of the second National Gender Equity and Equality Plan is currently being carried out. Consideration is being given to the possibility of launching a third stage of the Plan, which will be formulated taking into account the recommendations on the participation of civil society. On 27 and 28 October 2016, a forum on gender equity in health was held on the theme of equitable health financing and delivery from a human rights and gender perspective. One of the panels addressed social participation, empowerment and the strengthening of rights as a means to narrow or close the gender gap. At the forum, a number of gender-linked gaps relating to lesbian, gay, bisexual, transsexual and intersex individuals were identified and a statement was issued calling for arrangements to be established allowing for the registration of same-sex partners as dependants for the purposes of health insurance.

Violence against women, including domestic violence, sexual orientation and gender identity (arts. 3, 6, 7, 14, 17 and 26)

Replies to the issues raised in paragraph 7

10. With a view to combating violence against women, the Ministry of Women's Affairs has put in place a national programme of prevention and comprehensive assistance that is implemented in a number of different ways. Through the 24-hour emergency hotline, rescue operations are coordinated with provincial and municipal-level police units. In the Greater Santo Domingo area, efforts in this sphere are coordinated with the national police's 911 emergency number, which has been in operation 24 hours a day, 7 days a week, since June 2012. A department overseeing prevention and legal and psychological assistance has been set up in the capital, in addition to the 52 provincial and municipal offices, shelters and the Vice-President's Programme on Prevention and Comprehensive Care for Child and Adolescent Survivors of Femicide. There are three shelters in three different regions of the country; although they have sufficient capacity to cope with current needs, a fourth centre is being built to extend coverage and meet future demand. The Programme on Prevention and Comprehensive Care for Child and Adolescent Survivors of

Femicide operates according to an intersectoral protocol coordinated by the Progress with Solidarity Programme. The national police and the Attorney General's Office are the main bodies producing statistics in this area. As of this writing, there is no centralized register of complaints and reports filed with the various public bodies across the country. In 2017, the National Office of Statistics launched the National Information System on Gender-Based Violence; a trial version can be accessed by the public on the Office's website (<http://sinavig.one.gob.do/>).

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 6, 7, 9, 14 and 17)

Replies to the issues raised in paragraph 8

11. The Ministry of Women's Affairs implemented the 2009-2012 Teenage Pregnancy Prevention and Medical Care for Young Mothers Project, under which the Centre for the Promotion of Comprehensive Adolescent Health was established. The Centre is being piloted as a first phase under the Ministry's coordination. For the period from 2015 to March 2016, events were held that provided training to 4,221 adolescents and 1,305 adults. Between January and March 2016, seven workshops for peer-to-peer adolescent trainers were held. As part of the 2011-2016 National Teenage Pregnancy Prevention Plan, the Inter-institutional Coordinating Commission was set up and training was provided to a total of 2,656 adolescents to become peer-to-peer trainers; and 1,097,820 adolescents and young adults took part in training events on sexual and reproductive health with a focus on teenage pregnancy prevention. In all, 52 inter-institutional committees were set up to implement actions under the Plan in provinces and municipalities where the Ministry has offices, and annual workplans have been prepared for the Plan. Training materials with a gender perspective, including a focus on teenage pregnancy prevention and violence, were designed and validated. A national communication and awareness-raising campaign on sexual and reproductive rights — with a focus on teenage pregnancy prevention — was run under the slogan "Planning for Life". The campaign used a variety of materials and included the staging of a play entitled "The stork comes to school" that was seen by 21,533 adolescents; a total of 215,330 persons benefited from peer-to-peer youth actions. As to the issue of abortion, a bill is currently under consideration that will amend the Penal Code; it provides for three grounds for the termination of pregnancy.

Replies to the issues raised in paragraph 9

12. Under article 55 of the Organic Act on the National Police (No. 590-16), officers of the national police may use force only where strictly necessary and to the extent required for the performance of their duties. Article 146, paragraph I, of the Act, which addresses the scope of community participation, states that community participation in internal police procedures will focus on the promotion of good practices, improvement of audit and accountability procedures, and follow-up and monitoring of disciplinary proceedings relating to instances of misconduct that violated the fundamental rights of persons, with a view to discouraging impunity, the abuse of power and the disproportionate use of force in the handling of a variety of situations. The Act is supplemented by a set of regulations on the use of force by members of the national police. For its part, the Supreme Court of Justice has issued a number of rulings on matters relating to articles 9 and 14 of the International Covenant on Civil and Political Rights as reflected in the information below. There are no rulings recorded that relate to articles 3, 6, 7 and 17. The following rulings relate to implementation of the articles of the Covenant: No. 48 of 22 April 2013 (arts. 9 (3) and 14 (3)), No. 166 of 22 February 2012 (art. 14), No. 36 of 27 November 2013 (art. 14), No. 40 of 28 March 2012 (arts. 14 (1) and 14 (3)) and No. 218 of 31 May 2013 (art. 14).

Replies to the issues raised in paragraph 10

13. The body of constitutional law of the Dominican State, the Penal Code, the Organic Act on the Constitutional Court and Constitutional Procedures (No. 137-11) and the Organic Act on the National Police (No. 590-16) and its regulations form the legal framework that, within the Dominican system, provide the country's inhabitants with protection against the abuse of authority or of power. Chapter X of the new Organic Act on the National Police, entitled "External monitoring and community participation", recognizes the right of citizens to be involved in public security matters; the focus should be on the promotion of good practices and follow-up to and monitoring of disciplinary proceedings relating to instances of misconduct that violated the fundamental rights of persons, with a view to discouraging impunity, the abuse of power and the disproportionate use of force in the handling of a variety of situations. In turn, article 8 of Act No. 590-16 states that training and further education are to be mandatory, comprehensive, ongoing and progressive for members of the national police throughout their careers. Training is provided by the Police Training Academy, which is the body responsible for designing, planning, implementing, overseeing, monitoring and updating educational policies and programmes relating to the various fields of police work. The Academy therefore designs and implements, in coordination with other relevant justice system institutions, educational, training and skills development programmes for the various levels and ranks of national police officers. The National Police Institute for Human Dignity runs a series of training activities for national police officers; further information is available on its website (<http://idih.gob.do/>).

Elimination of human trafficking, slavery and servitude (arts. 7, 8, 14 and 24)

Replies to the issues raised in paragraph 11

14. Between 2013 and 2017, the courts dealt with 106 cases of human trafficking and commercial sexual exploitation nationwide, with 236 minors having been rescued. One of the main obstacles preventing the elimination of sexual exploitation is the fact that certain sectors of society either tolerate or are ignorant of the existence of the practice. Consequently, a campaign entitled "No Excuses" was launched to raise awareness about the sexual exploitation of boys, girls and adolescents and to encourage people to report that offence. As to victim protection, one of the most notable achievements in 2016 was the opening of the first specialized shelter offering assistance to victims of human trafficking. The facility is located on a property that had been confiscated and was subsequently remodelled with two offices, nine shared bedrooms, six bathrooms, two kitchens and a yard for recreational activities; it is fitted out to provide assistance for special cases. In addition, the Public Prosecution Service operates a free, confidential hotline for reporting cases of human trafficking and commercial sexual exploitation ((809) 200-7393).

15. The "Case by Case" project was launched in 2014 and it ran until April 2016. Under the project, panels of inquiry were set up to look into suspected cases of commercial sexual exploitation and trafficking of children and adolescents. The panels also served as a forum for inter-institutional coordination and capacity-building. In addition, a case follow-up unit was created, for the duration of the project, to provide victims with access to a psychologist and a social worker, who made up the Trafficking Survivors' Protection and Assistance Unit. Between 2013 and 2017, hundreds of training events were held for members of the armed forces, police officers, public prosecutors and judges on issues related to human trafficking and commercial sexual exploitation, such as human trafficking considerations for trainee judges, correct record-keeping and the handling of evidence. In addition, a certificate course on migration and governance has been offered by the Centre for Economic Research and Teaching (CIDE) and the National Migration Institute since October/December 2016. The Training Academy for Public Prosecutors, the Police and the Criminal Investigation Police, which is under the Office of the Attorney General of Mexico, ran a workshop on technological tools for use in child pornography investigations and a training course on human trafficking. Training in online investigation of child pornography cases was offered jointly by the Office of the Special Prosecutor for Migrant Smuggling

and Human Trafficking and Operation Underground Railroad. The Royal Canadian Mounted Police ran a workshop on interrogation techniques.

Replies to the issues raised in paragraph 12

16. Article 62, paragraph 9, of the Constitution states that wages must be fair and sufficient to enable employees to live in dignity and to meet all their and their families' basic material, social and intellectual needs. In that same vein, the Dominican Republic has signed and ratified the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) of the International Labour Organization. The Ministry of Labour issued Resolution No. 05/2017, whereby it raised the national minimum wage for private sector employees not covered by a specific sectoral minimum wage, thus ratifying the related resolution issued by the National Wages Committee. The work day in the Dominican Republic may not exceed 8 hours, or 48 hours per week. Inspection visits are carried out to check that labour standards are observed, to promote among workers and employers a culture of preventing occupational risk and to provide training and support to staff/management committees. Inspectors also occasionally carry out visits in conjunction with the Public Prosecution Service, where there have been reports of commercial sexual exploitation of workers. In 2016, 2,234 visits were carried out, involving 338,885 workers (204,515 men and 133,394 women). So far in 2017, 904 visits have been carried out, involving 66,838 workers (46,410 men and 20,728 women), under the Occupational Safety and Health Management System. In 2015, three workshops on the harmonization of criteria were held with labour inspectors on the theme of "Trade unions and collective bargaining", with 163 persons taking part. A further three such events were held on the topic of "Wages in the broad sense" (basic salary, minimum wage, determination of the value of company premises and inventory), attended by 112 persons. The Ministry of Labour is supporting the preparation of a national system to gather information on and monitor child labour. During the first phase of the project, a child labour database was created using indicators from the Road Map for a Dominican Republic Free from Child Labour and other management indicators; a child labour data-collection system is being designed within the Labour Inspectorate. Other initiatives have included a meeting held on 12 May 2017 with the Volunteer Network for the Elimination of Child Labour, a number of operations carried out along the country's north coast in response to reports of the use of child and adolescent labour in the fishing industry, the reactivation and strengthening of 47 local management committees across the country, the establishment of 12 monitoring units to prevent child labour, the introduction of an extended school day, conditional transfers through the Progress with Solidarity Programme and the provision of childcare facilities. Hazardous work is prohibited in the Dominican Republic pursuant to Ministry of Labour Resolution No. 52/2004 of 13 August 2004. The 2006-2016 National Strategic Plan against Child Labour is another important initiative. As a part of the commitments made with regard to the prevention and elimination of child labour, a series of measures have been adopted through the National Council for Children and Adolescents (CONANI), such as the positive parenting programme, which is geared towards the country's families. Lastly, a preliminary bill to promote positive parenting and prohibit physical abuse of children is currently being prepared.

Liberty and security of person and humane treatment of persons deprived of their liberty (arts. 9, 10 and 14)

Replies to the issues raised in paragraph 13

17. The legal framework governing the Dominican prison system is provided by the Constitution, the Prison System Act (No. 224-84), the Standard Minimum Rules for the Treatment of Prisoners, the prison management manual and related decrees, regulations and international treaties. The new prison model promotes work as a form of occupational therapy that contributes to self-sustainability and prepares inmates for life outside prison by instilling in them a habit of working and responsibility. Inmates are given the opportunity to do paid work while in prison, which helps them support their families. The National Inspector of the Prison System is responsible for conducting checks to ensure the proper

operation of prisons. Inspections of all 22 prisons are carried out every year. An annual award is given to the best organized and cleanest prison found to have maintained the quality standards required by the Constitution and the other legal instruments mentioned above. Regional supervisors oversee the various prisons internally and submit inspection reports to the national coordinator. Additional checks are carried out by various subunits in such areas as treatment, security, administration and part-time release. Correctional and rehabilitation centres are thus under constant supervision, which ensures their proper operation. Women in prison, especially pregnant women and mothers with children, receive the necessary medical care from prison medical units and are regularly taken for check-ups in hospitals and private clinics, if necessary. Women's prisons have a wing set aside exclusively for pregnant inmates, where they can stay until their child reaches 1 year of age. There are currently 8,800 inmates participating in the new prison model. There are also 22 correctional and rehabilitation centres; in all, there are 16,359 persons deprived of their liberty, and 19 prisons.

Right to a fair trial (art. 14)

Replies to the issues raised in paragraph 14

18. The judiciary has various mechanisms to prevent corruption in the courts and to ensure that they function properly. It also promotes an impartial, independent and fair justice system that safeguards people's rights. The tools available include the National Judicial Academy, which is in charge of training judges and helping them to fulfil the constitutional mandate that is incumbent upon them as part of their profession. There are also refresher training programmes for administrative and legal court officers. The procedural manual of the General Inspectorate, which is under the Council of the Judiciary, lays down guidelines for the inspection of courts and judicial administration bodies. The Institutional Integrity System is a programme that aims to ensure effective fulfilment of the judiciary's role and to strengthen and update the institution. It also seeks to guide the judiciary's human capital on the path of integrity, transparency, and functional and institutional awareness. The System includes a code of ethics, which contains the 26 ethical principles of the judiciary; a human capital system, which is a set of rules that regulates the rights, duties, responsibilities, restrictions and incompatible activities applicable to judicial officials; and an administrative, financial and auditing system, which promotes effectiveness, timeliness, quality and transparency in the judiciary's processes. It also seeks to optimize the available resources and services to give a timely and effective response to internal and external actors in line with the strategic focus of the judiciary.

Deportations and non-refoulement (arts. 6, 7, 9, 10, 13 and 24)

Replies to the issues raised in paragraph 15

19. With regard to the measures taken to ensure that deportations of foreign nationals are carried out in accordance with the provisions of the International Covenant on Civil and Political Rights, the General Directorate for Immigration stated, via a memorandum addressed to all heads of reception centres and immigration officials operating throughout the country, that under no circumstances may foreign nationals be deported if they are unaccompanied children or adolescents, pregnant women, older persons or persons registered with the National Plan on the Regularization of Foreigners. Due legal process — as established by the Constitution and article 27 of the General Immigration Act (No. 285-04), which states that decisions of the immigration authorities must uphold the principles of legality and due process — is respected at all times. With regard to enabling a higher court to review due process guarantees in cases of detention for migration-related reasons, paragraph 2 of the legal provision on deportation establishes the right of foreign nationals to appeal against their deportation, and they are informed of this right. This complies with article 137 of the General Immigration Act, which states that foreign nationals must be informed of the legal remedies available to them, including the remedy of habeas corpus before the Dominican courts in order for the legality of their detention to be reviewed, in

accordance with article 63 of the Organic Act on the Constitutional Court and Constitutional Procedures (No. 137-11). Furthermore, pursuant to article 65 of the same Act, foreign nationals may bring a constitutional protection (*amparo*) action before the High Administrative Court if they believe that the administration has violated a fundamental right.

20. As regards non-refoulement, the General Directorate for Immigration does not expel, or in any way return at the border, asylum seekers who are registered with the National Refugee Office to territories where their life or freedom may be in danger on account of their race, religion, nationality, membership of a particular social group or political opinion, while their case is being heard. The Office provides asylum seekers with a certificate that allows them to stay in the country temporarily and protects them from wrongful deportation. In accordance with the 2015-2020 National Human Rights Plan, the institution intends to launch an information campaign, through the Human Rights Commission of the General Directorate for Immigration, at border points, seaports and airports, and wherever else it is deemed appropriate, in order to inform potential refugees of their rights and responsibilities upon entering Dominican territory. Measures are in place to prevent border pushbacks in accordance with the provisions of the General Immigration Act and its implementing regulation, Decree No. 631-11; the 1999 Repatriation Protocol signed by the Dominican Republic and Haiti; and procedural protocol 002 of the General Directorate for Immigration. It should be recalled that, pursuant to national immigration law, a foreign national may be detained until the conditions are in place for him or her to be deported successfully. Detention is a means of last resort and it is used by the immigration authorities only when all other options set out in the implementing regulations for the Immigration Act are deemed insufficient. Immigration officials receive training on handling and assessing documents in order to verify their authenticity and legitimacy. Immigration officers use passport readers and computers that are connected to the voter registration database of the Central Electoral Board and the register of persons covered under the National Plan on the Regularization of Foreigners.

Statelessness (arts. 2, 14, 16, 23, 24, 25 and 26)

Replies to the issues raised in paragraph 16

21. To date, no case has been registered that might indicate a situation of statelessness in the Dominican Republic. Act No. 169-14 of 21 May 2014 created a special regime for children of mothers and fathers who are foreign nationals without legal residence in the country. The regime regularizes the legal status of citizens who were on the civil register but whose births had been irregularly declared inasmuch as, at the time of the birth, the parents lacked identity documents. In terms of the administrative measures adopted, the plenary of the Central Electoral Board passed Resolution No. 02/2007 of 18 April 2007, establishing a birth registration system for children born in the Dominican Republic to a foreign national not legally resident in the country (the Foreign Birth Register). Furthermore, children who were born in the Dominican Republic of foreign parents in irregular immigration status but who were not registered were given the same legal status as their parents under Decree No. 327/13, which established the Plan on the Regularization of Foreigners. For the purposes of the resolution, temporary residence granted by the General Directorate for Immigration applies solely to the foreign nationals whose names appear on the register, covering a total of 6,793 persons. To date, 3,930 identity cards have been issued to foreign nationals; 2,862 have yet to obtain one. Following a request by the Bateyes Sugar Farm Workers' Union, the plenary of the Central Electoral Board, at its ordinary administrative session on 18 April 2017, minutes No. 07/2017, instructed the Electoral Register Directorate to issue permanent resident identification cards, without entitlement to vote, to the foreign nationals covered by General Directorate for Immigration decision No. DGM-04-2015 of 26 June 2015. Permanent residency has been granted to 2,709 foreign nationals so far. Since 16 May 2017 to date, identity cards have been issued to 956 sugar farm workers, and a further 1,753 cases are being processed. Article 6 of Act No. 136-03, establishing the Code for the Protection of the Fundamental Rights of Boys, Girls and Adolescents, states that the National Council for Children and Adolescents will

take the necessary steps with the respective civil register official to ensure registration of the birth and issue of a birth certificate for any child or adolescent whose parent or guardian is unable to do so, subject to prior authorization by the Children's Court.

Replies to the issues raised in paragraph 17

22. Within the context of the measures taken by the Directorate General for Immigration, a procedure has been in place since August 2016 for placing unaccompanied children and adolescents into the care of the National Council for Children and Adolescents in order to guarantee the protection of the rights of minors. To date, 442 children and adolescents have been placed in the Council's care. The Directorate General for Immigration, as part of its commitment to norms of international law regarding the non-separation of families, has been emphatic in prohibiting the deportation of minors not accompanied by their parents; it has successfully coordinated the voluntary return of more than 500 Haitian nationals so far this year (2017).

Replies to the issues raised in paragraph 18

23. In addition to the provisions of the Constitution of 2010, Act No. 169-14 and Decree No. 327-13, the plenary of the Central Electoral Board on 18 April 2007 passed Resolution No. 02/2007, putting into effect a birth registration system for children born in the Dominican Republic to a foreign mother not legally resident in the country (the Foreign Birth Register), so that all children born in the country would enjoy the right to a name and birth registration, even if the mother resided in the country illegally. This fulfilled the provisions of General Immigration Act (No. 285-04 of 15 August 2004); the judgment of 15 August 2004 of the Supreme Court of Justice, which established the necessary conditions for the Dominican State to comply with the provisions of international treaties; and Act No. 136-03 of 7 August 2003, on the Code Governing the System for the Protection and Fundamental Rights of Children and Adolescents. In addition, the judiciary offers a course on human rights and international human rights law through the National Legal Service Training Academy. The course content starts by giving a general overview, covering topics such as the general theory of human rights and international human rights law, systems for the protection of rights, individual rights (social, economic and political), systems for the protection of children's and women's rights, structural discrimination and the protection of vulnerable groups, and goes on to more specific topics, including the rights of children, gender-based violence, migrants' rights and statelessness, among others.

Replies to the issues raised in paragraph 19

24. In accordance with article 18 of the Constitution, a child born to a Dominican mother or father is Dominican. In cases where the mother is an undocumented foreign national, the civil register official for the jurisdiction of the place of birth shall ask the person concerned to provide the pink birth certificate that is issued by the hospital at the time of birth or a passport or any identity document regardless of its validity or other document that confirms the nationality of the father. The case file is then forwarded to the Civil Register Directorate for consideration and approval.

Freedom of expression (arts. 6, 7 and 19)

Replies to the issues raised in paragraph 20

25. Article 49 of the Constitution of 2010 protects the freedom of expression and information in the country regardless of a person's sex, religion, political opinion or nationality; it states that "Every person has the right to freely express and voice his or her thoughts, ideas and opinions, by any means, without prior censorship." Act No. 10-91, establishing the Dominican Journalists' Association, set up the Social Security and Protection Fund for Journalists, which has its own legal personality and assets. The Fund is

authorized to engage in all such acts, on its own initiative, as are compatible with the purposes of the Expression and Dissemination of Thought Act (No. 6132). A draft law is currently under consideration that would govern the areas of communication, freedom of expression and the use of media in the Dominican Republic; it would amend Act No. 6132 of 1962. At the international level, the International Covenant on Civil and Political Rights and the American Convention on Human Rights, among others, ensure that freedom of expression — which is also a right — is part of the corpus of constitutional law. In relation to the number of complaints concerning freedom of expression in the country, the judiciary has guaranteed the people's right to free expression on numerous occasions through the decisions of the Supreme Court of Justice. These include judgment No. 9 of 6 February 2013, judgment No. 29 of 14 March 2012, judgment No. 77 of 15 February 2012 and judgment No. 28 of 24 February 2014.

Right of peaceful assembly (arts. 21 and 22)

Replies to the issues raised in paragraph 21

26. Freedom of association and the right to organize are expressly enshrined in article 62 of the Constitution, as well as in the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98), both signed and ratified by the Dominican Republic. In line with these provisions, the Labour Code recognizes freedom of association and collective bargaining, among others, as the basic rights of workers as set forth in international standards on this priority issue. In this regard, in July 2016, the Ministry of Labour hosted an ILO technical mission in order to gather information, through tripartite consultations, and prepare a text to improve compliance with international labour standards. As a result of this collaborative work, a tripartite agreement was signed establishing a panel to discuss issues relating to international labour standards. Panel participants can discuss and formulate responses to observations and direct requests made by the ILO Committee of Experts on the Application of Conventions and Recommendations with regard to the prevention and appropriate handling of all conflicts related to the application of the ILO conventions ratified by the Dominican Republic. The observations of the Committee of Experts, the findings of the Committee on the Application of Standards of the International Labour Conference and the recommendations of the Committee on Freedom of Association will be followed up within the framework of the panel. The Dominican Republic currently has no case open before the Committee on Freedom of Association. In 2015, the Workers' Union alleged that it had been subjected to harassment, that a peaceful march had not been authorized and that the company had refused to negotiate collectively. In that connection, it needs to be highlighted that, according to the provisions of ILO Conventions Nos. 87 and 98, ratified by the Dominican Republic, and the provisions of the Labour Code, the labour authorities cannot intervene once a union has acquired legal status through registration. That notwithstanding, in line with the ILO recommendation of March 2017 urging the Dominican Republic to continue to promote collective bargaining, the Ministry of Labour continues to take the necessary action to encourage the parties to hold a tripartite dialogue and seek to build consensus.

Rights of the child and birth certificates (arts. 7, 16 and 24)

Replies to the issues raised in paragraph 22

27. There are a number of measures in place concerning the registration of births, including a project undertaken jointly by the Central Electoral Board, the Ministry of Public Health and Social Assistance and the United Nations Children's Fund (UNICEF), as approved by the plenary of the Central Electoral Board at its ordinary administrative session of 7 June 2017, minutes No. 11/2017, paragraph 4. In the same vein, Resolution No. 08/2007 of 7 November 2007 provided for the issuing of certificates to mothers under the age of 16 so that the birth of their children can be duly entered in the civil register; an inter-agency cooperation agreement for the timely registration of births was signed by the

Central Electoral Board, the Ministry of Public Health and Social Assistance, the Directorate General for Special Programmes, the National Health Service and UNICEF; and a prenatal data form was instituted for purposes of identifying undocumented women during prenatal check-ups and issuing them documents before they give birth, with the aim of increasing the timely registration of children born in hospitals and providing those children with birth certificates. The hospitals that are currently piloting the form are Dr. Ramón de Lara Hospital of the Dominican Air Force, the Nuestra Señora de La Altagracia Maternity Hospital in Santo Domingo and the José María Cabral y Báez Regional University Hospital in Santiago de los Caballeros. Registration offices were also opened in hospitals around the country. The first one was opened in 1997 at the La Altagracia Maternity Hospital in Santo Domingo, followed by the Cabral y Báez Hospital in Santiago de los Caballeros (1998), Nuestra Señora de Regla Hospital in Bani (1998), Ricardo Limardo Hospital in Puerto Plata (1999) and Rafael J. Mañón Hospital in San Cristóbal (2001). There are currently 65 such offices operating throughout the country. The Central Electoral Board has established these offices in hospitals so that infants can be registered as soon as they are born and are issued a birth certificate upon leaving the hospital. The ordinary administrative session of the plenary of the Central Electoral Board, in minutes No. 09/2017 of 23 May 2017, paragraph 5, approved a draft resolution creating an alphabetical listing of surnames from which one would be selected electronically and entered in the birth certificate and identity card of children and adolescents who had been declared abandoned by the competent court.

28. In 2014, the cases of 14,290 students who did not have a birth certificate were resolved and an additional 14,317 were being processed. Training was provided to 281 community participation specialists at the national, regional and district levels on the Naturalization and Special Regime Act (No. 169-14). In 2015, birth certificates were issued to 11,115 children and adolescents; the civil register offices processed 12,074 birth certificate applications from students and an additional 26,706 were in processing. In 2016, some 228 children received birth certificates. In order to expedite and enhance this process, a set of guidelines were prepared for implementing the birth registration component in service networks. The guidelines focus on procedures relating to requesting, transferring and using funds for complex cases that involve costs, since the second most common reason for not registering births is the cost to families. To put this new process into operation, 17 provincial-level outreach workers have been recruited and assigned to the services, with training provided by the Central Electoral Board's unit overseeing late registration of births; training was also provided to a further 226 individuals from 32 national service networks and at 10 comprehensive early childhood care centres.

29. With regard to the elimination of corporal punishment, the National Education Council approved the Standards for Harmonious Coexistence in Public and Private Schools in June 2013. The Standards seek to foster an emotionally supportive environment that is conducive to learning for students, establishing disciplinary guidelines and measures within the framework of pedagogical processes that contribute to their all-round education and harmonious coexistence. The Ministry of Education, as a member of the Inter-Agency Commission for the 2015-2018 Road Map and as part of the National Strategic Framework for the Prevention and Elimination of Violence against Children and Adolescents, has been working to respond to, as well as prevent, the various forms of violence against children through policies, programmes, plans and projects agreed upon by all actors in the protection system. Some of the actions and activities carried out in this regard are described below.

30. A workshop, coordinated by the Inter-Agency Commission, was held to consolidate views on draft legislation to prohibit corporal punishment of children and adolescents. Those present agreed by consensus to draw up a draft law prohibiting corporal punishment of children and adolescents, to be known as the Positive Parenting (Discipline) and Prohibition of Abuse Act. A commission was set up to pursue political advocacy and a communications strategy regarding corporal punishment. Two preliminary texts were drafted for use in regional training days as part of the national campaign for raising families' awareness of good parenting practice: a guide for trainers on the strategy for developing positive parenting practice and a guide on the strategy for use by families. Protocols and procedures were developed for preventing and eliminating violence against children and adolescents. Other draft documents were also drawn up for the care of child

and adolescent victims of violence, including a guide for providing care to child victims of violence; a protocol for handling cases of neglect or physical, sexual or psychological violence against children and adolescents; and an inter-agency road map for action and coordination in caring for child and adolescent victims of violence. A further important area of action is the continuous training provided for teachers, counsellors and psychologists in positive discipline. These training courses use a publication entitled "If it hurts, it is not discipline: discipline does not have to hurt", prepared with input from the Centre for Development and Constructive Interaction. The booklet examines issues such as why we hit children and discusses some of the differences between discipline and physical punishment. Physical punishment and insults are not methods of discipline; physical punishment is a form of abuse. Examples are given of physical punishments and their effects on minors, as well as guidance on how to protect children, instructions on how to report such incidents to local prosecutor's offices, the emergency number for reporting cases of violence (Línea Vida) and information on the support units for victims of gender-based violence and sexual offences. A draft law has been submitted that seeks to prevent sexual harassment of students in public and private schools. The initiative proposes that a survey be conducted at all schools across the country, with the objective of introducing means to prevent, punish and eliminate violence, harassment and any other act considered abuse against pupils in schools and non-formal education institutions.

Participation in public life (arts. 2, 3, 25 and 26)

Replies to the issues raised in paragraph 23

31. For the 2012 elections, the Central Electoral Board, in coordination with the National Council on Disability, gave all polling station supervisors training in the appropriate treatment of persons with disabilities and their right to vote. The training included full information on the voting process. An agreement was reached whereby wheelchair users and persons with reduced mobility who voted in facilities with architectural barriers would be helped by a person designated for that purpose by the polling station supervisor. As in previous years, Braille ballot papers were provided for visually impaired persons. For the 2016 elections, the entire system was overhauled and organized to make it easier for persons with disabilities to exercise their right to vote. Assisted voting was provided for sick people who were in clinics and hospitals. A programme to make polling places accessible, with the installation of ramps, signage and other accessibility features, will be implemented by the Ministry of Public Works and Communications. As in the past, a leaflet with information about the right to vote of persons with disabilities was sent to polling stations. Currently, there are no members of the legislature with disabilities. There are some municipal councillors with disabilities, but the relevant information has not yet been compiled or collated.

32. The legal framework applicable to cases of corruption is established firstly by the Constitution in its articles 146 and 177, the latter of which provides for free aid by the State. This represents an advance in the area of human rights, as free legal aid benefits persons with limited economic resources and focuses on protecting the rights of the victim. In addition to the Constitution, other legislation in this regard includes the Code of Criminal Procedure; the Public Prosecution Service Act (No. 133-11); the Public Service Act (No. 41-08); the Money-Laundering Act (No. 72-02); Act No. 311-14 on the Sworn Statement of Assets and Liabilities by Public Servants and Illicit Enrichment, with its implementing regulation, Decree 92-16; Act No. 340-06 as amended by Act No. 449-06, with Decree No. 15-17 of February 2017, which provides for transparency in public procurement of goods and services; the Chamber of Accounts Act (No. 10-04); Decree No. 322-97, establishing the Department for the Prevention of Administrative Corruption; Decree No. 324-07, establishing the National Directorate for the Prosecution of Administrative Corruption; Decree No. 486-12, establishing the Directorate General of Governmental Ethics and Integrity, which is another mechanism whereby citizens can report any incidents of corruption; and Decree No. 694-09, establishing the 311 public helpline system.

33. Examples of the complaints and requests for investigation received include those against Víctor Mejía, Jose Dionisio Duvergé Mejía, Awilda Inés Reyes Beltré and Francisco Arias Valera, among others, for alleged corruption and breach of trust. Criminal prosecutions and convictions for abuse of authority, embezzlement and theft have been brought against José Enrique Sued Sem, as the former mayor of the municipality of Santiago, and Martín Duran and Lucrecia Raposo, former employees of the Santiago Municipal Council. Criminal prosecutions were brought against Awilda Reyes Beltré, Francisco Arias Valera and Radhamés Jiménez Peña on 22 December 2015. A complaint was filed on 13 January 2016 against Karen Magdalena Aristy Cedeño, mayor of the municipality of Higüey in the Province of La Altagracia, for breach of trust under article 166 of the Criminal Code and article 87 of the Municipal Act (No. 176/07). Complaints were brought regarding violation of the Procurement Act (No. 340-06) and its implementing regulation. Private criminal and civil action was taken against Horacio Emilio Mazara Lugo, director of the National Drinking Water and Sewerage Treatment Institute (INAPA), and David Huertas Lozano, Aurelio Ignacio López Mier and Manuel de Jesús Tillan Martínez of the Acciona Agua-Abi-Karram Morilla Consortium, on 21 September 2016. A complaint as a civil party to criminal proceedings was brought against Eduardo Munhos de Campos, Empresa Brasileira de Aeronáutica (Embraer), for a violation of article 361 and offences and quasi-offences under articles 1382 and 1384 of the Civil Code of the Dominican Republic, with Silverstar Venture LTD as the complainant, received on 4 November 2016. A complaint was received based on a Chamber of Accounts audit report of Dr. Vinicio Calventi Hospital, received on 12 November 2015. In relation to the court cases, 29 hearings were held at the Third Trial Bench of the Court of First Instance of the National District, culminating in judgment No. 249-05-2016-SS-00110 of 23 May 2016, in which Marcelino Rijo Guzmán, Bélgica Díaz Moreno and Eddy Leonardo Terrero Fermín were found guilty and were sentenced. The National Water Resources Institute (INDRHI) 2007-2009 case is currently in the preliminary hearing stage. Seven hearings have taken place at which the lawyers of the accused requested dismissal of the charges several times; those requests were rejected. They have filed appeals in cassation against the decisions rendered. They have now submitted an appeal for annulment. Regarding the Office of the Attorney General Economic Fund for Children and Adolescents case, on 28 January 2016 the Second Trial Bench of the Criminal Chamber of the Court of First Instance of the National District found Iván Alexander Pérez guilty and Daniel Brito Ramírez not guilty in judgment No. 249-04-2015-00247.