



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Information received from the Dominican Republic on
follow-up to the concluding observations on its sixth periodic
report^{*}, ^{**}**

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* The present document is being issued without formal editing.
** The annex to the present report is available on the Committee's web page.



I. Statelessness

Reply to the issues raised in paragraph 26

1. Act No. 169/14 on the establishment of a special regime for persons born in the Dominican Republic without proper registration in the Dominican civil register and on naturalization (henceforth Act No. 169/14) distinguishes between two groups within the category of “descendants of foreign nationals in an irregular migratory situation” in the Dominican Republic and establishes specific measures for each group. Group A comprises descendants of foreign nationals in an irregular migratory situation who were registered in the Dominican civil register even though, in accordance with the retroactive interpretation of decision No. TC/0168/13, they should not have been.

2. Pursuant to Act No. 169/14, persons in group A have had their Dominican nationality recognized, and the Central Electoral Board has been ordered to return or issue their identification documents, depending on the case. An audit was conducted at all the country’s civil registry offices, consisting in a careful inspection of civil registers spanning the period from 21 June 1929 to 18 April 2007, which identified the files of some 55,000 foreigners representing 103 nationalities.

3. After the audit, the Commission of Central Electoral Board Offices decided that 24,892 cases could be authorized and that 27,863 others needed to be transcribed. A further 3,599 cases were left pending because they were complex, in that either they concerned individuals who could not be located to obtain the necessary information (due to death or relocation abroad) or they had been entered in an individual register that had been partially or completely destroyed.

4. It is important to note that, in 28,059 of the cases that were regularized, the associated documentation is available for issuance but has not been claimed by the persons concerned at any branch of the Central Electoral Board. Of these, 12,971 were transcriptions and 15,088 were authorizations. Regarding the 3,599 open cases, 882 were transcribed because they met the requirements and 2,717 were authorized.

5. Under the national plan to regularize the situation of foreign nationals in an irregular migratory situation, group B corresponds to descendants of foreign nationals in an irregular migratory situation who were born in the Dominican Republic but were not registered with the civil registry and have lived their entire lives in the country. The process for this group was led by the Ministry of the Interior and Police, which had the responsibility of receiving, assessing and deciding whether to accept or reject the documentation on the basis of the criteria enumerated in Act No. 169/14. A total of 6,535 assessed files were transmitted to the Central Electoral Board over the course of the process and entered in the register of foreign nationals.

6. At the start of the process of issuing identification cards to the 6,535 individuals registered in the civil register, the Central Electoral Board established a round table of experts to review all the registrations. As at 5 May 2021, of the 4,566 cases that met the requirements for card issuance, the documentation has been retrieved in only 1,966.

7. The 1,969 remaining cases correspond to a group whose files pose difficulties due to, for instance, inconsistencies, missing documents or information requiring correction which need to be resolved by the person concerned and the Ministry of the Interior and Police. Of these cases, 93 have been referred to the Department of Inspections for research in the field, as they involve information and documents that need to be verified before an identification card can be issued.

8. As to what the State is doing to combat statelessness, the delegation that was sent to Geneva, Switzerland, for the dialogue with the Human Rights Committee regarding the sixth periodic report of the Dominican Republic spoke in detail on that topic, emphasizing that there is no statelessness in the Dominican Republic. The statistical data provided on that occasion attest to the good practices that are implemented by the Central Electoral Board, as the body responsible under the Constitution for the civil registry and identification and voter

cards, with a view to safeguarding people's rights and respecting the principles of equality and dignity.

9. Furthermore, in the light of the information contained in the present report and of an analysis of the provisions on nationality contained in the Constitution of the Dominican Republic and the 1983 and 1987 Constitutions of Haiti, it should be noted that article 11 (2) and (3) of the Constitution of Haiti of 1983 stipulates that any persons born abroad to Haitian parents or born in Haiti to a foreign father, or to a foreign mother if not recognized by the father, are Haitian provided that they are of black origin. In addition, article 11 of the Constitution of 1987 establishes that any child born to a father or mother who was Haitian by birth and had not renounced his or her nationality at the time of the child's birth, holds Haitian nationality.

10. Mr. Matthew Reynolds of the Office of the United Nations High Commissioner for Refugees, speaking as a representative of the international community, cited as an example of good practice the decision of the Dominican Republic to authorize the naturalization of some 750 persons born and raised in the country who, prior to that time, had been denied citizenship owing to their parents' migration status in his comment on the impact of Constitutional Court decision No. TC/0168/13 and, subsequently, of Act No. 169/14 on the establishment of a special regime for persons born in the Dominican Republic without proper registration in the Dominican civil register and on naturalization. Mr. Reynolds congratulated the Dominican Government for taking such an important step towards resolving the issue of the nationality of persons born and raised in the country. Thus, we reaffirm that, pursuant to our Constitution and laws, there is no statelessness in our country.

II. Voluntary termination of pregnancy and reproductive rights

Reply to the issues raised in paragraph 16

11. The Dominican Republic is actively engaged in legislative reform. The specific case of the amendments to criminal law necessary to guarantee legal, safe and effective access to voluntary termination of pregnancy has given rise to considerable legal and political debate. In November 2020, the Council of Ministers adopted the strategic plan for a life free from violence for women, whose fifth area of focus is legal frameworks.

12. This area of focus involves promoting the adoption and implementation of a legal framework that guarantees the full exercise of sexual and reproductive rights, including through the decriminalization of therapeutic abortion on the three permissible grounds and the definition and punishment of sexual offences. In this connection, it is important to note that amendments to the Criminal Code and a special bill setting the terms and conditions for voluntary termination of pregnancy in exceptional cases are making their way through Congress and are currently before the Special Committee.

13. In April 2021, the Chamber of Deputies carried out its first reading of the revised legislation on termination of pregnancy contained in the Criminal Code. At present, article 109 of the Criminal Code, on abortion, establishes that anyone who, through the administration of solid or liquid substances, medicines, use of implements, treatments or any other means causes or contributes to the termination of a woman's pregnancy, even with the woman's consent, is liable to 1 to 3 years' ordinary imprisonment. In cases where the abortion is forced or the woman has not consented, the penalties contained in article 89 of this Code apply.

14. Article 109 (1) states that a woman who causes the termination of her pregnancy, who consents to ingesting substances as instructed or administered for this purpose or who consents to being subjected to the means of abortion mentioned above is liable to 1 to 2 years' ordinary imprisonment if termination is achieved. Article 109 (2) states that if termination is not achieved but the attempt at termination causes injury to the fetus or a condition that seriously undermines its normal development or causes a serious physical or mental defect in the child who is born, the perpetrator is liable to 1 to 2 years' ordinary imprisonment. In such cases, the State will assume full guardianship of the child.

15. Article 110, on the penalties for health-care professionals and midwives, establishes that doctors, nurses, pharmacists and other health-care professionals, as well as midwives, who, by abusing their profession or office, perform or help to perform an abortion are liable to 2 to 3 years' ordinary imprisonment. Article 111, on the penalties that apply in the event of the mother's death, stipulates that when the acts punishable under articles 109 and 110 of the Code result in the mother's death, the perpetrator is liable to 4 to 10 years' ordinary imprisonment.

16. Under article 112, on exceptions, terminations of pregnancy performed by specialized medical professionals in a public or private health-care establishment are not punishable if, prior to performing the procedure, to the extent possible all available scientific and technical measures that might save the lives of the mother and the fetus are exhausted. In such circumstances, the actions involved are considered appropriate because they are justified by the situation of necessity. Furthermore, men, women and adolescents nationwide should have unimpeded access to sexual and reproductive health services and information.

17. In reference to the observations on child and early marriage, the State is aware that these practices are harmful, especially for young and adolescent girls, as they limit their opportunities for education and development and expose them to a risk of violence, sexual abuse and underage pregnancy, thus preventing them from enjoying their rights. One of the current Administration's first initiatives to address this issue was the establishment of the Office for Children and Adolescents in November 2020. The Office's immediate priority is to coordinate government efforts to reduce teenage pregnancy and early marriage, whose rates in the Dominican Republic are among the highest in the region. In addition, the Office has been mandated to develop a national plan, together with a unified policy, to address both issues.

18. The Office is led by the First Lady, Ms. Raquel Arbaje, who coordinates its various teams, which are formed of representatives of the National Council for Children and Adolescents, the Ministry of the Office of the President, the Ministry of Women's Affairs, the Ministry of Labour, the Ministry of Health, the Ministry of Education, the Ministry of Youth, Sports and Culture, the Attorney General's Office, the "Progresando con Solidaridad" Social Protection Programme, the National Institute for Comprehensive Early Childhood Care, the National Disability Council and the National Health Service.

19. The Office launched a consultative process in January 2021, which began with the establishment of two expert round tables, one on the prevention of teenage pregnancy and the other on early marriage. The outcome was an action plan to accelerate the prevention and reduction of teenage pregnancy in the Dominican Republic. The action plan, which should be launched by the end of June 2021, links and coordinates the country's various policies and programmes on teenage pregnancy, so producing a comprehensive workplan through which to prevent, address and eliminate the problem.

20. Another key step has been the prioritization of 20 towns with the highest rates of teenage pregnancy and child marriage. The areas prioritized by the President are: Santo Domingo Este, Santo Domingo Norte, Santo Domingo Oeste, the National District, Santiago, Higüey, San Cristóbal, Puerto Plata, Los Alcarrizos, San Francisco de Macorís, San Juan de la Maguana (including El Cercado and Las Matas de Farfán), Bani, San Pedro de Macorís, Barahona, Azua, Dajabón, Haina, Boca Chica.

21. The action plan also covers the determinants of teenage pregnancy and early marriage, such as the lack of comprehensive sex education, early sexualization, violence against young and adolescent girls, the social norms and patterns that encourage teenage pregnancy as a way of escaping the cycle of poverty, as well as issues that the country has identified as resulting from the coronavirus disease pandemic.

22. Another policy measure, led by the Ministry of Women's Affairs, is the establishment of the Centre for the Promotion of Comprehensive Adolescent Health, tasked with educating adolescents and thus encouraging them to make positive choices regarding their sexual and reproductive health. The Centre is also responsible for developing strategies and action plans on the topic of sexual and reproductive health.

23. Another of the Centre's functions is to provide train-the-trainer courses on relevant skills and methodological tools for health-care and education professionals, as well as staff of public and private institutions, with a view to ensuring that the topic is addressed in a holistic manner.

24. There is currently one centre in Santo Domingo, the first of its kind in the Caribbean, and another is being built in San Juan de la Maguana, one of the provinces with the highest prevalence of teenage pregnancy and early marriage identified under the action plan. Another momentous step was taken on 6 January 2021, when, in a major advance for Dominican society, the Government promulgated Act No. 1/21, which prohibits child marriage. Article 1 establishes that the purpose of the Act is to prohibit children under the age of 18 years from entering into marriage by amending or repealing a number of provisions of the Civil Code. This modernization of the law is a great achievement for the Ministry of Women's Affairs and for Dominican society as a whole.

25. Another important policy measure taken by the Dominican Republic has been the formulation of the National Gender Equity and Equality Plan 2020–2030, a planning tool designed consensually by various sectors that sets forth the objectives, areas of action and indicators necessary for achieving gender equality and is essential for ensuring that sectoral plans, programmes and projects incorporate a gender perspective. It is the public policy tool intended to cement the Government's commitment to achieving real equality between women and men. It is results-oriented and geared towards solving the main issues women face in terms of discrimination, exclusion and gender inequality and ensuring that a gender perspective is mainstreamed across public policies.

26. Ensuring that the Plan meshed with basic policy tools was the guiding consideration behind its design. The following key instruments formed its fundamental frame of reference: the Constitution, the National Development Strategy, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs). The areas of action of the Plan that deal specifically with sexual and reproductive health, and are aligned with the relevant SDGs, are: (a) education for equality (target 5.1 of SDG 5 and SDG 4); (b) women's comprehensive health (target 5.3 of SDG 5 and SDG 3).

27. The Chamber of Deputies' standing committee on justice accepted the proposal of the Ministry of Women's Affairs to consider abortion and forced sterilization as offences against humanity that carry terms of imprisonment of 30 to 40 years. Article 89 of the bill on the Criminal Code, on offences against humanity, states that the acts defined in the following articles, when committed intentionally as part of a generalized or systematic attack against civilian populations, are considered as other very serious offences against humanity. It should be noted that offences against humanity are aggravated, as are all other offences, when the victim is a person with disabilities.

28. It should also be noted that the bill on a comprehensive act on violence against women establishes the concept of informed consent. All essential services must be provided in a manner that protects the privacy of women and young and adolescent girls, guarantees confidentiality and ensures that information is shared only with the person's informed consent or in the exceptional circumstances provided for in the General Health Act.

29. Regarding the recommendation to offer special training to health personnel to better acquaint them with these consent procedures and with the harmful effects and consequences of forced sterilization, information on the measures taken to realize the rights enshrined in the Covenant and on the progress made in implementing these rights was provided by the various institutions that shape public policy and make up the Inter-Agency Commission on Human Rights, which was established by Decree No. 408-04 of 5 May 2004, pursuant to the Vienna Declaration and Programme of Action of 1993.

III. Non-discrimination

Reply to the issues raised in paragraph 10

30. Under article 16 of Decree No. 134-14, regulating the National Development Strategy, the Attorney General's Office, together with other public entities, is responsible for monitoring compliance with the various cross-cutting State policies.

31. Thus, the goal of the Office's human rights unit is to protect and defend human rights in the criminal justice system and, together with other public and private bodies, to ensure respect for human rights nationwide, the effective administration of justice and respect for legal safeguards and due process in judicial proceedings.

32. Particular areas of focus are: (i) follow-up of registered cases in which there was a clear violation of these rights; (ii) monitoring and advancing the human rights of all inmates held at any of the national correctional and rehabilitation centres; and (iii) referral of cases filed with the Inter-Agency Commission on Human Rights or the Ministry of Foreign Affairs to the inter-American human rights system or other relevant international organizations.

33. Currently, when cases of discrimination and human rights violations or infringements arise, the Attorney General's Office processes them and handles the complaints, always in keeping with the Constitution and the applicable legal framework. It is important to underscore that the Attorney General's Office will always enforce the law and that the actions of public prosecutors and administrative personnel have always been, and will always be, aimed at administering justice without distinction while providing greater protection to vulnerable groups, such as foreign nationals, persons identifying as lesbian, gay, bisexual, transgender, intersex or queer and persons with disabilities.

34. The role of the Attorney General's Office also consists in monitoring compliance with public policies on human rights. Although it is not its role, but rather that of Congress or the executive branch, the Office will always support legislative initiatives aimed at preventing and punishing discriminatory practices against vulnerable groups and seek equal treatment of those groups.
