



International Covenant on Civil and Political Rights

Distr.: General
3 May 2011
English
Original: Spanish

Human Rights Committee

101st session

New York, 14 March–1 April 2011

Draft list of issues to be taken up in connection with the consideration of the fifth periodic report of the Dominican Republic (CCPR/C/DOM/5)

Constitutional and legal framework (arts. 1 and 2)

1. Bearing in mind that domestic legislation and international norms are given equal weight in the domestic legal order, the Committee requests examples and information on methods used to resolve conflicts of laws that may occur when domestic norms not in conformity with the Covenant are implemented.
2. Please inform the Committee about provisions in the domestic order that provide for compensation for victims of violations of the rights contained in the Covenant, and examples of the application of those provisions.
3. Please indicate what steps have been taken to establish a national human rights institution in conformity with the Paris Principles adopted by the General Assembly in resolution 48/134.
4. Please provide information on the progress achieved in the constitutional reform process initiated in 2009.
5. What progress has been achieved in the process to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families?

Non-discrimination, rights of minorities and equal rights of men and women (arts. 3 and 25–27)

6. Please provide information on the results of the affirmative action measures adopted to promote the principle of equal access to public service, particularly with regard to the employment of women, equal rights in employment, and women holding senior posts.
7. What measures have been taken to investigate and punish sexual harassment, which is said to affect more than 30 per cent of women in the workplace?
8. What actions and decisions have been taken to protect the rights of men and women with disabilities and to ensure their full participation and inclusion in society?

9. Please indicate the legislative reforms and specific measures adopted to combat discrimination against lesbian, gay, bisexual and transgender persons.
10. What measures have been taken to combat racism, particularly against persons of Haitian origin?

Right to life and prohibition of torture and cruel, inhuman and degrading treatment (arts. 6 and 7)

11. How have the domestic courts dealt with extrajudicial executions, given that such executions are not defined as criminal offences in the domestic legal order?
12. Gender-based violence is allegedly the fourth leading cause of death among Dominican women of childbearing age and is a growing trend. What have been the results of implementing the National Gender Equity and Equality Plan adopted by the Dominican Government to combat domestic violence and violence against women? What other measures are in place to counteract the phenomenon and to facilitate access to justice for women victims and their families? What has been the scope of the measures taken?
13. What has been the impact on the promotion of women's rights of setting up gender equity and development offices in all government offices and implementing the National Gender Equity and Equality Plan?
14. Please provide information on measures taken to investigate allegations of violence by security officers against detainees, and say if there is an independent institution in charge of such investigations.

Elimination of slavery, servitude and forced labour, and freedom of movement (art. 8)

15. The vulnerability of migrant workers in an irregular situation and their families is said to result in cases of abuse, slavery and trafficking in persons, discrimination and unpaid wages. What measures have been taken to prevent the exploitation of migrant workers, including children, at work?
16. What has been the impact of abolishing the *cautio judicatum solvi* for all foreigners, with regard to the number of cases brought before the courts by Haitian or other nationals to invoke their labour rights?
17. Please inform the Committee of the progress made in preventing and punishing the exploitation of children for purposes of prostitution, pornography, paedophilia or sex tourism.

Right to liberty and security of person (art. 9)

18. How has the implementation of the new Code of Criminal Procedure affected delays in court proceedings, especially in applications for habeas corpus?
19. The State party is requested to inform the Committee of:
 - (a) The number of cases handled by the specialized courts for children and adolescents, by the public defenders for juvenile criminal courts, and by the Family Mediation Centre for the out-of-court settlement of disputes;
 - (b) The number of cases the Family Mediation Centre has referred to the specialized courts;

(c) The length of time each of the three aforementioned institutions takes to come to a decision.

Rights of persons deprived of their liberty (art. 10)

20. Please inform the Committee of the progress made in implementing the new prison model, especially in terms of protecting the dignity of prisoners and reducing overcrowding in prisons (Strategic Plan for 2008–2013).

21. Under what conditions can persons deprived of their liberty exercise their right to make phone calls? What monitoring mechanisms are in place to ensure that judicial, military, police and prison authorities respect this right, and to investigate and punish any violations of this right?

Freedom of movement and residence (art. 12)

22. What strategies are in place to deal with the migration flows resulting from the January 2010 earthquake without violating the provisions of the Covenant on freedom of movement and residence, and to prevent an upsurge in cases of trafficking in persons?

23. The policy implemented by the Directorate-General of Migration under which it does not carry out any repatriations on Fridays, the traditional payday, was intended to protect the labour rights of Haitian workers and Dominican workers of Haitian descent. How does the State party guarantee that this measure is compatible with the freedom of movement provided for in article 12, paragraph 2, of the Covenant?

24. Please inform the Committee of measures taken to guarantee respect for the rights of Haitians who have been deported since deportations were resumed.

Recognition as a person before the law (art. 16)

25. What action has been taken to continue to reduce the number of persons not registered with the Civil Registry Office, so that their identity may be recognized in order to grant them legal personality and associated benefits?

Freedom of opinion and expression (arts. 18 and 19)

26. Assaults and threats against journalists have been on the rise since the beginning of 2007. Please inform the Committee of the outcome of the judicial investigations carried out in these cases and the measures taken to protect the freedom of opinion and expression of journalists in the country.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

27. The State party states that for every reported violation of undocumented Haitian workers' right of peaceful assembly, there are dozens of counter-examples, and it gives a specific example of this. What measures have been taken to support persons who have indeed suffered a violation of their rights of peaceful assembly?

28. Despite the right to form and join trade unions being provided for by the Labour Code, the majority of migrant workers are allegedly unable to exercise their rights for fear

of dismissal or deportation. What measures has the Government adopted to protect migrant workers' freedom of association and right of peaceful assembly?

Disseminating information about the Covenant and its Optional Protocol (art. 2)

29. In its fifth periodic report, the Dominican Republic referred to institutional measures taken to disseminate information about the Covenant and its Optional Protocol. What strategy has been used in practice to disseminate the human rights agreements and treaties ratified by the State party, and what has been the impact of that effort?
