



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Twelfth periodic reports of States parties due in 2006**

**Addendum**

**DOMINICAN REPUBLIC\***

[5 December 2006]

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\* This document contains the ninth, tenth, eleventh and twelfth periodic reports of the Dominican Republic, due on 24 June 2000, 2002, 2004 and 2006 respectively, submitted in one document. For the fourth, fifth, sixth, seventh and eighth periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/331/Add.1, and CERD/C/SR.1364 and 1365.

## **NINTH REPORT OF THE DOMINICAN REPUBLIC TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION**

### **Article 1**

1. The Dominican Republic, in contrast to many countries in the Caribbean and in Central and South America, cannot nowadays be regarded as a national community that comprises distinct ethnic groups, even though the country's original population came mainly from Africa and Europe, the aboriginal peoples having been exterminated in the early days of colonization. Dominicans regard themselves as a single people, in the sense that White, Black or mixed race Dominicans do not consider their fellow citizens, whatever their skin colour, to belong to a different culture or ethnicity.
2. The presence of racist attitudes, mainly attributable to the predominance of European aesthetic conventions that attribute values to skin colour, is an inheritance from colonialism that inhibits the Dominican from fully embracing his or her identity.
3. In the Dominican Republic, the situation with regard to discrimination on grounds of colour and race has evolved since the promulgation of the Labour Code in 1992. The country has a population of 8,200,000, 80 per cent of whom are Black, and 20 per cent are mixed race. Approximately 1 million Haitians live in the Dominican Republic, engaged in various occupations, including construction, agriculture, private security services, domestic service and the informal sector.
4. All workers, whether nationals or foreigners, enjoy the same rights in terms of access to health care, education, maternity services and integration into the labour market. Dominican law applies without distinction to all workers in the Dominican Republic. The Labour Code promulgated in May 1992, the product of a consensus between labour representatives and representatives of the main areas of national life, with the support of the International Labour Organization (ILO), states in its principle VII:

“Any discrimination, exclusion or preference based on grounds of sex, age, race, colour, nationality, social origin, political opinion, trade union activism or religious belief, with the exceptions laid down in the Code itself for the purpose of protecting the worker, shall be prohibited.”
5. Furthermore, in its principle IV, the Labour Code states:

“The labour laws have territorial application. They apply without distinction to nationals and aliens, subject to the derogations contained in international agreements.”
6. The Dominican Republic has ratified the eight ILO fundamental conventions, including Convention No. 111 concerning Discrimination in Respect of Employment and Occupation of 1958 which, in accordance with the Declaration of Philadelphia, affirms that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”.

7. Historically, the existence of the population of African origin was denied in the Dominican Republic; as a result, there are no statistics reflecting its presence. The category of “Black, of African origin” is not considered to be part of the country’s ethnic and racial make-up, which is why the concept of “mulatto” was developed in the sixteenth century to describe the descendants of mixed race relationships.
8. This description was used in the first national census carried out in 1920. Later censuses did not include this term, and the description of ethnic origin depended on the perception of the person conducting the interview.
9. Under the dictatorship of Rafael Leónidas Trujillo, the authorities imposed the classification “Indian” and variants of it in order to describe skin colour, which is why Dominicans prefer to call themselves “pale Indian” or “Brown” rather than Black.
10. The Dominican Republic, in reaffirmation of the Universal Declaration of Human Rights and the United Nations Charter, and as a signatory to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination and a delegate to the Vienna Declaration and Programme of Action on the elimination of racism, racial discrimination, xenophobia and other forms of intolerance adopted in 1993 and the Durban Declaration and Programme of Action agreed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, condemns racist laws and practices, considering them incompatible with democracy. Accordingly, article 100 of the Constitution of the Dominican Republic states: “The Republic proscribes any privileges and any situation intended to undermine the equality of all Dominicans, among whom no differences shall be recognized other than those resulting from talents or virtues and, consequently, no entity of the Republic may grant titles of nobility or hereditary distinctions.”
11. In the development of the Dominican Republic’s national policies, in addition to the challenges that arise from efforts to promote fairness and equal opportunities in the areas of gender, disability and sexual preference, there are particular difficulties in connection with the multi-ethnic and multicultural diversity of Dominican society. The Dominican Republic does not have a policy framework that expressly relates to people of African origin.
12. There is no doubt that, over the last few years, efforts on the part of non-governmental organizations (NGOs) and the Government to meet commitments arising from the ratification of several international instruments have resulted in significant progress in the area of economic, social and cultural rights.
13. The Ministry of Labour does not investigate the nationality or legal status of a worker who contacts the authorities to seek advice or to lodge a complaint. It also takes an active and sustained interest in any complaint that a worker’s rights are being violated, regardless of the worker’s nationality.

14. The Ministry of Labour, as the policymaking body for labour issues, provides information on labour regulations on an ongoing basis, both within the Ministry and more generally, and also conducts regular employee workshops, in particular for those employees working in labour standards and inspection, to provide training in all aspects of national and international legal provisions on non-discrimination on the basis of race or colour. A pilot programme has been carried out on compliance in the sugar sector, in which many Haitian immigrants work. The programme began in 2005 and assigns full-time inspectors to the sugar industry to inspect sugar cane plantations twice a week and to report their conclusions every Friday on compliance with labour regulations.

15. In 2001 the Office for Gender Equality was established under the authority of the Department of Labour. The Office receives complaints relating to gender-based discrimination and the protection of women's rights in the workplace. With regard to the protection of maternity, a campaign has been carried out among employees and employers to raise public awareness of the prohibition of pregnancy tests as a condition of employment. Ongoing awareness-raising campaigns and workshops are conducted.

16. In other areas, an official communiqué gives warning of the prohibition on performing HIV/AIDS tests as a condition of employment, such testing being a violation of the law. In particular, clinical laboratories have been warned that the conducting by them of tests which might be seen as being related to employment is also a violation of the law. At their request the Department of Legal Aid gives free assistance to workers with HIV/AIDS who think that they are suffering discrimination in the workplace as a result.

17. Appropriate measures have been taken to ensure effective compliance with the provisions of article 47 of the Labour Code, which provide protection against sexual harassment and hold the employer responsible if no action is taken to prevent harassment by co-workers.

18. In the health sector, over the past year medical care was provided to a total of 334,241 foreigners throughout the country, of whom 334,135 were of Haitian origin.

## **Article 2**

19. In response to the suggestions and recommendations on articles 2 and 5 of the Convention contained in paragraph 9 of the Committee's concluding observations, the Dominican Republic has honoured its commitment to follow legislative policies intended to eliminate racial discrimination in all its forms.

20. Act No. 136-03, establishing the Code on the System of Protection and the Fundamental Rights of Children and Adolescents, provides in its principle I, on the object of the Code, that: "The aim of this Code is to guarantee all children and adolescents present in the country the full and effective exercise and enjoyment of their fundamental rights." Similarly, in its principle IV, on equality and non-discrimination, the Act provides that: "The provisions of this Code apply equally to all children and adolescents without any discrimination whatsoever on the grounds of race, colour, sex, age, language, opinion, conscience, religion, belief, culture, political or other views, economic status, social, ethnic or national origin, disability, illness, birth in a high-risk situation, or any other circumstance of the child or adolescent, his or her parents, representatives or guardians or of his or her family members."

21. All public policies on children and adolescents formulated by the National Council for Children and Adolescents (CONANI) as the highest authority overseeing the National System for the Protection of the Fundamental Rights of Children and Adolescents cover all children and adolescents without any distinction or discrimination.

22. The fifth chapter of the Dominican draft Criminal Code, entitled: “Infringement of the dignity of the person”, section I, Discrimination, provides as stated below.

23. Article 250 reads as follows: “Any unequal or offensive treatment on the part of natural persons owing to their origin, age, sex, family circumstances, state of health, disabilities, customs, political views, trade union activities or membership or non-membership, or actual or supposed membership of a specific ethnic group, nation, race or religion, constitutes discrimination.”

24. Article 257 provides that: “Where procuring involves torture or acts of cruelty, it shall be punishable by a term of 40 years’ imprisonment.”

25. Article 503 provides that: “Where the discrimination defined in article 250 consists in refusing the benefit of a right granted by law, or impeding the exercise of any economic activity, and is committed by a person embodying public authority or responsible for a public service when engaged in or in connection with the exercise of his or her duties, to the detriment of a natural or legal person, such discrimination shall be punishable by a term of three years’ imprisonment and a fine of three and a quarter times the public sector minimum wage.”

26. Similarly, articles 637, 638, 639 and 641 read as follows:

“Non-public defamation of a person or group of persons owing to their origin or membership or non-membership, actual or supposed, of a specific ethnic group, nation, race or religion, shall be punishable by a fine of three quarters of the public sector minimum wage;

Non-public abuse of a person or group of persons owing to their origin or membership or non-membership, actual or supposed, of a specific ethnic group, nation, race or religion, shall be punishable by a fine of three quarters of the public sector minimum wage.

Persons guilty of the violations referred to in this chapter shall also be punishable by one, some, or all of the following additional penalties:

(a) A ban on possessing or carrying one or more arms requiring authorization, for a period not to exceed three years;

(b) Confiscation of one or more arms of which the convicted person is the owner or has free use;

(c) Confiscation of the item used in or intended for use in the commission of the violation, or of the product of the violation, other than items which may be restored to third parties.

The violations provided for in this chapter shall be considered to be actionable through private actions in accordance with the relevant provisions of the Code of Criminal Procedure.”

### **Article 3**

27. The Dominican Republic complies fully with this article. The Constitution protects the right to equality; it is the responsibility of the State to prohibit racial discrimination perpetrated by persons, groups or organizations; this averts manifestations of racial discrimination and stops private groups from combining to establish such racist criteria as, for example, that entry to private premises should be permitted only to certain ethnic groups.

28. In the Dominican Republic the legal right to equality is established by the Constitution, under article 100, while article 46 establishes that norms in violation of the Constitution are *ipso facto* null and void.

29. Recently, according to the daily press, some discothèques have been practising racial discrimination. While these businesses are privately owned, they are open to the public, and in acting thus are in violation of the Constitution of the Dominican Republic. The most recent case concerned a discothèque which, according to the press, denied entry to a young woman, apparently because she was Black, which led to an incident which regrettably cost a female student her life.

30. The national district first examining judge ordered closure of the premises for three months until an investigation into the facts could be carried out, and the perpetrator was arrested.

31. The country is working towards the eradication of this unwholesome practice.

### **Article 4**

32. In its article 8, paragraph 6, the Constitution curtails freedom of expression in the following terms: “Any person may, without prior censorship, freely express his or her opinion in writing or by any other means of expression, in the form of images or orally. Where the opinion expressed threatens the dignity and morals of persons, the public order, or the moral principles of society, the penalties prescribed by law shall be applied. All subversive propaganda, whether anonymous or by any other means of expression, intended to incite law-breaking, is prohibited, without this restricting the right to analysis or critical appraisal of legal precepts.”

33. Article 8, paragraph 7, recognizes freedom of association, while setting limits by providing that it must not be contrary to the public order.

34. Act No. 6130 on expression of opinion, article 33, paragraph 2, provides for penalties, where defamation is of groups of people whose origin is such that they are members of a specific race or religion, of a period of imprisonment of one month to one year and a fine of 25 to 200 pesos where the intent is to incite hatred in the population.

## Article 5

35. The Ministry of Culture, for the first time in the history of the Dominican Republic, has defined a cultural policy that acknowledges the African contribution. It also supports all similar initiatives by civil society, as in its support for Africa House, the commemoration of the five hundredth anniversary of the arrival of the Africans, and the contribution of a series of African traditions in our culture.

36. Article 8, paragraph 5, of the Constitution provides as follows: "All are equal before the law, which cannot require more than is just and useful for the community or prohibit more than would be prejudicial to it." Article 100 provides that: "The Republic proscribes any privileges and any situation intended to undermine the equality of all Dominicans, among whom no differences shall be recognized other than those resulting from talents or virtues." This principle of equality is also enshrined in article 1, paragraph 1, of the American Convention on Human Rights, as well as in the Universal Declaration of Human Rights, to which the Dominican Republic is signatory.

37. This principle of equality of parties before the law expressly prohibits all unequal and discriminatory treatment under the law and thus the introduction in the legal system of discriminatory regulations relating to the protection of recognized rights. This means that the judiciary must interpret and apply the law in strict respect for the principle of equality at all stages of all judicial proceedings.

38. With regard to the suggestions and recommendations contained in paragraph 11 of the Committee's concluding observations, the Committee is informed that the Dominican Republic, through the State Sugar Council (CEA), is helping to improve living conditions in the *bateyes* (company shanty towns on sugar cane plantations) by implementing social and infrastructure programmes, such as:

- (a) Setting up of units for agricultural and livestock production;
- (b) Development of educational and technical training programmes;
- (c) *Batey* improvement programmes (drinking water, electricity, sanitation, collection of solid waste, drainage, pest control);
- (d) Formal education programmes, vocational technical training in skills and occupations;
- (e) Programmes to supply meat and other food at low cost;
- (f) Opening of medical clinics and local pharmacies;
- (g) University grants.

39. These programmes are coordinated and provided with financial support through agreements with non-governmental organizations, government agencies, and in particular with funds from the Reformed Enterprise Equity Fund (FONPER) and the State Sugar Council.

40. In 2004 various projects were implemented relating to mini-aqueducts, septic tanks, water purification plants, housing and multi-purpose halls; drainage and pest-control campaigns to prevent infectious and contagious diseases; health campaigns; and distribution of clothes and food.

41. In other areas, other aid programmes have been carried out, such as support for reforestation, financial support for the sick, provision of land to associations, non-governmental organizations and institutions engaging in community work and granting of title to sugar plantations.

42. It is the view of the Dominican Republic that the most effective way to eradicate poverty is through education, and activities to this end constitute the central feature of long-term plans. One of the most important programmes offers grants, intended to enable young people from *bateyes* to become students; a unit has been set up to administer this. In addition, with support from the National Institute of Technical and Vocational Training (INFOTEP), training programmes are being established to reach out to those communities in which no courses are available.

43. On-site visits are being conducted to review the status of premises transferred, rented or sold to institutions and/or individuals with a view to repossessing those in connection with which irregularities have arisen.

44. A model programme is under way for the development of *bateyes*, in connection with which surveys are being conducted in certain *bateyes* with a view to implementing a comprehensive development plan intended to eliminate problems relating to the supply of basic services in these communities. In this connection a census has been carried out in seven *bateyes* to be remodelled and provided with the basic services required; other activities include the building of schools, a health centre, repairs to sewers, remodelling of houses, installation of sidewalks and kerbs and paving of principal streets. The *bateyes* selected for this model programme are: Alejandro Bass, in San Pedro de Macorís; Jalonga, in Hato Mayor; Ingenio Porvenir; Cangrejos and Pancho Mateo, in Puerto Plata; Enriquillo, in Sabana Grande de Boya and the *bateyes* of Algodones and Altigracia in Barahona.

45. Sixteen medical, dental and food-distribution campaigns have been carried out, with medical treatment for 10,605 patients and dental treatment for 3,274 patients and the distribution of 10,000 food packs, at an overall cost of 2,652,979.62 pesos (see table 1).

**Table 1**

**Expenditure by level**

| Level        | Expenditure (pesos) |
|--------------|---------------------|
| Initial      | 14 737 695          |
| Basic        | 157 132 100         |
| Intermediate | 13 613 432          |
| Special      | 101 850             |
| Adult        | 6 565 930           |



46. In conjunction with the Batey Relief Alliance (BRA-Dominicana), three ophthalmological and dental campaigns were conducted by a team of 32 doctors from the United States of America, from the state of Wisconsin and the city of Boston, Massachusetts, in the *bateyes* of Guayabal de Boca Chica and the districts of Villa Juana and Batey Central in Barahona. In the first campaign, in February 2005, ophthalmological treatment was provided to 503 patients, who were given consultations, eyewear, drops and other treatment for such conditions as glaucoma, cataracts, conjunctivitis, astigmatism and myopia. Dental treatment was provided to 161 patients. In the second campaign 1,820 patients were given ophthalmological treatment and 170 patients were given dental treatment. The cost of treatment was US\$ 100,000, with funding from BRA-Dominicana, plus 300,000 pesos, with funding provided by the State Sugar Council.
47. With the aim of formulating a strategic plan to tackle health problems in State Sugar Council *bateyes*, a cooperation agreement was signed with the Spanish Hospiten Group. The agreement provides for the establishment of a standing committee on emergencies to meet the demand for health services in emergency situations (floods, hurricanes, fires and other emergencies), and the setting up of a committee on a medium- and long-term health strategy and the organization of a joint structure with the capacity to analyse all the developments in the country and abroad that might assist the Council in the health field. Hospiten will take part in health activities organized by the Council and will provide free medicine to patients.
48. The State Sugar Council signed a cooperation agreement with the Wings of Equality non-governmental organization, an autonomous, not-for-profit association, based in Santo Domingo, operating in the *bateyes* run by Ingenio Consuelo. The activities carried out include the provision of latrines, the building and repair of schools and health centres, the installation of railings for schools and/or health centres, and the construction of a water supply system. In addition, programmes are in place to teach horticultural techniques in schools, with the produce being distributed among the students.
49. Continuing the “Eating comes first” programme, the Executive Director of the State Sugar Council signed an agreement for the provision of inexpensive canteens, outlets and stores in *bateyes*. Food is sold at minimum price, as it is in such canteens throughout the country.
50. Under this government initiative the State Sugar Council has established aid programmes for *bateyes*, in conjunction with the Agricultural Development Fund (FEDA) and the National Institute of Technical and Vocational Training (INFOTEP). In a campaign in Barahona (Batey 4), 50 egg-laying hens were provided, and a cooperative programme will be established for the keeping of goats, sheep, pigs and chickens.
51. Social services officials at the various sugar plantations and INFOTEP regional officers are coordinating technical training courses in painting, beauty care, clothes making, mechanics, and electrical work and repairs with a view to training young residents of *bateyes* in skills that will allow them to join the labour market.
52. At the management level, the State Sugar Council has supported meetings on the inclusion of *bateyes* in the “Eating comes first” programme run by the Office of the President of the Republic, through which cards are provided under the Social Plan of the Office of the President offering a subsidy on food and propane gas. A work team made up of social services officials is gathering information with a view to preparing a short- and medium-term work plan.

53. The Reformed Enterprise Equity Fund took part in launching this initiative by participating in a number of activities organized by the State Sugar Council in various *bateyes*, supplying household items such as stoves, gas cylinders, mosquito nets and beds. Vouchers for these items were distributed to the most needy. In recent distributions these items have been acquired by the State Sugar Council from its own resources.

54. The Health Sector Reform Commission donated several items of medical equipment to the State Sugar Council, including 7 electric beds, 9 hydraulic beds, 18 wood and metal chairs, 2 wheelchairs, 2 desks and 2 revolving chairs, along with shelving units, paint, storage units, portable toilets and similar items. Some of this equipment was donated to hospitals in San Pedro de Macorís and La Romana, which admit many patients from *bateyes*.

55. In the context of contacts with government agencies, of special interest are various projects entrusted to the Ministry for Women (SEM). These include a proposal for training centres to teach sewing and clothes making.

## **Health**

56. Most Dominicans of African origin are in the lower strata of society, in view of which they are compelled to make greater use of public services. Throughout the country in recent years, and in 2002 in particular, there has been an increase in the number of social service centres with the promulgation and implementation of Act No. 87-01, on the Dominican Social Security System, which provides protection to all.

57. In the health sector the Dominican Republic has made significant progress. Between 1999 and 2000 maternal mortality fell from 269 to 116 per 100,000, while infant mortality fell from 47 per 1,000 in 1996 to 31 per 1,000 in 2002.

58. Health coverage in rural areas and on the outskirts of the main urban centres is being expanded with the construction of 89 suburban clinics, 15 subclinics and 30 rural clinics. In conjunction with these initiatives the hospitals at Elías Pinas, Las Matas de Farfán, San Juan, Jimani, Pedernales, Duerme and San Cristóbal are being expanded and remodelled.

59. The President has announced the building in Azua, with support from the Government of Taiwan, of one of the most up-to-date hospitals in the Caribbean area.

60. Measures to prevent infectious diseases such as measles, whooping cough, tetanus and meningitis have been very successful. As a result of such preventive measures no cases of meningitis were reported in 2001. In 2000, 461 cases were reported.

61. With regard to HIV/AIDS, the Ministry of Public Health is promoting a national policy of comprehensive care of HIV/AIDS patients intended to meet the need for laboratories and for the supply of antiretroviral drugs, administered in an effort to bolster the patient's immunological resistance and prevent the virus from developing. Care includes counselling before and after testing, administered to determine whether the patient is HIV-positive and to assess viral load, home care and care of children where the parents have died, specialist consultations and nutrition counselling.

62. To identify those patients in need of antiretroviral treatment, a CD4 count is conducted, showing the level of white cells able to combat infection. Under treatment protocols, patients are identified for the administration of antiretrovirals.

### **Social security**

63. The Dominican Republic, in implementation of article 9 of the International Covenant on Economic, Social and Cultural Rights, has promulgated Act No. 87-01. In 2003, the Social Security System was inaugurated in the south-east, in which connection, 147 primary health-care units were set up in 2002, representing a qualitative leap in health-care reform throughout the country. This year the Social Security System will be extended to cover the whole of the country, thereby improving living conditions for hundreds and thousands of workers and their family members.

64. There have been positive developments with regard to workers' rights, not only in terms of legislation but also practice. The Dominican Republic is signatory to most International Labour Organization conventions.

65. Reference is made to ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, of 1958, inasmuch as all Dominicans, without distinction on the basis of race or sex, have access to work. Furthermore, workers may form trade unions and have the right to strike.

66. Surveys show that Dominicans of African origin, women in particular, are employed in the free zones, domestic work and the informal economy.

67. Racial purity does not exist in the Dominican Republic, since over 90 per cent of the population is descended from Blacks. Other races, Whites and Asians, have come to constitute an ethnic group which, through interbreeding, displays genetic and physical characteristics unlike those of its progenitors, and it is not uncommon to find different features in a single family.

68. Cultural diversity arising from the multiplicity of ethnic groups creates channels that allow dialogue respectful of the social structure. Cultural leadership by the State, promoting programmes to increase awareness and appreciation of local and national culture, strengthens cultural identity.

69. Cultural values reflect an African presence in various communities throughout the country, especially where Maroon culture has become established. Their runaway status meant that the Maroons took their culture with them, for example to Villa Mella, a community near to the National District, and pursued various religious beliefs with traditional African rituals. In May 2001 the United Nations Educational, Scientific and Cultural Organization (UNESCO) recognized these cultural manifestations and proclaimed the cultural centre of the Hermandad del Santo Espíritu de los Congos de Villa Mella, Dominican Republic, a masterpiece of the oral and intangible cultural heritage of humanity.

## **Housing**

70. With the participation of the private sector, 1.8 billion pesos were invested in contracts, improvements and urban infrastructure relating to 108,000 housing units, of which 18,000 are new. In addition, the Government announced that over a period of 11 to 14 months 5,500 dwellings for members of professional associations, including doctors, teachers and nurses, had been built across the country with external funding of \$115 million.

## **Poverty**

71. With a view to alleviating poverty the State has granted 14,700 loans to microenterprises, with the generation of 46,000 new jobs, and provides 18 hours of electricity at a subsidized social rate to over 3 million Dominican citizens living in poor areas of the country.

72. Some 3,400 people's markets have been organized to allow poorer households access to foodstuffs at subsidized prices. The Government has granted title to over 45,000 parcels of land and plots to poor families, and has replaced 14,400 earth floors by cement floors. The number of mothers in receipt of the targeted school card subsidy increased to 50,000, while a further 50,000 had been brought into the programme by March 2003. The cards, school breakfasts and supply of books, uniforms and shoes, have helped to bring the school dropout rate at the basic level down to 12 per cent.

73. Under the guidance of the armed forces, the programme of shelters and housing for the pre-education in civics of street children has been expanded. Today these children receive education, health care, food and discipline, which will allow them to integrate into society in a productive manner, thus helping to break the cycle of poverty in their homes.

74. It is clear that those of African cultural origin are among the main victims of failure to enjoy economic, social and cultural rights, in view of which it is necessary:

(a) To identify the obstacles to the participation by people of African origin in the economic, social and cultural life of the country;

(b) To identify best practices on the basis of the experience of the countries of Latin America and the Caribbean and other regions with the aim of providing the other countries of the region with a reference point in their efforts to formulate, adopt and implement affirmative action policies on behalf of people of African origin;

(c) To promote the adoption of a regional framework to raise awareness among the population and encourage a rapprochement that will facilitate the adoption of affirmative action policies on behalf of people of African origin, to correct or make good historical injustices, to remedy social and structural discrimination, to create diverse and proportionally representative groups, to provide disadvantaged communities with role models that can offer the necessary motivation and incentives, and to put an end to vicious and prejudicial stereotypes;

(d) To counter social unrest, and ensure the effectiveness and justice of the socio-economic system;

(e) To support research aimed at restoring values of African origin;

(f) To bolster self-esteem on the basis of the work done by the men and women enslaved during the colonial period.

75. With regard to the *judicatum solvi* bond established in article 16 of the Civil Code, which provides that “in all proceedings and in all courts, a transient alien who is a principal plaintiff or involuntary added party shall be required to post a bond for the payment of the costs and damages arising from the proceedings, unless the party possesses in the Dominican Republic real property of sufficient value to guarantee payment”, the Supreme Court has ruled in its judgements that this article is inapplicable in that it is discriminatory, thereby strengthening the legal provisions on the prohibition of discrimination. Similarly the Supreme Court has ruled that an undocumented foreign worker has the right to bring legal proceedings to secure his or her employment entitlements.

### Articles 6 and 7

76. The Minister of Education guarantees the right to education of any child without regard to nationality, as provided for in Act No. 136-03, “Code on the System of Protection and the Fundamental Rights of Children and Adolescents”. In the 2004/05 school year 18,171 children of Haitian nationality or of Haitian descent were enrolled at various schools in the country (see table 2).

**Table 2**  
**Students of Haitian nationality by level and region, 2005/06**

| Region                      | Level  |        |         |         |        | Totals |
|-----------------------------|--------|--------|---------|---------|--------|--------|
|                             | Adults | Basic  | Special | Initial | Middle |        |
| 01 Barahona                 | 164    | 1 145  | 1       | 73      | 19     | 1 402  |
| 02 San Juan de la Maguana   | 54     | 843    |         | 39      | 4      | 940    |
| 03 Azua                     | 24     | 647    |         | 50      | 26     | 747    |
| 04 San Cristobal            | 90     | 367    | 1       | 48      | 46     | 552    |
| 05 San Pedro de Macoris     | 59     | 2 195  |         | 180     | 79     | 2 513  |
| 06 La Vega                  | 29     | 208    |         | 24      | 5      | 266    |
| 07 San Francisco de Macoris | 20     | 82     |         | 9       | 16     | 127    |
| 08 Santiago                 | 130    | 410    | 2       | 42      | 53     | 637    |
| 09 Mao                      | 70     | 504    |         | 32      | 17     | 623    |
| 10 Santo Domingo            | 427    | 1 361  |         | 193     | 145    | 2 126  |
| 11 Puerto Plata             | 189    | 1 147  |         | 165     | 60     | 1 561  |
| 12 Higüey                   | 57     | 2 136  |         | 248     | 66     | 2 507  |
| 13 Montecristi              | 31     | 774    | 4       | 64      | 26     | 899    |
| 14 Nagua                    | 14     | 61     |         | 8       | 8      | 91     |
| 15 Santo Domingo            | 405    | 899    | 1       | 154     | 213    | 1 672  |
| 16 Cotuí                    | 48     | 113    |         | 13      | 12     | 186    |
| 17 Monte Plata              | 63     | 874    |         | 77      | 28     | 1 042  |
| 18 Bahoruco                 | 60     | 422    | 1       | 28      | 36     | 547    |
| Totals                      | 1 934  | 14 188 | 10      | 1 447   | 859    | 18 438 |

## **Education**

77. The Dominican Republic is undergoing a great educational transformation. There has been a significant improvement in quality, coverage and pedagogical management in the education system.

78. School dropout has fallen from 19 per cent in 1985 to 8 per cent in 2002. This increase in coverage has occurred in all age groups, with an increase from 18 per cent to 19 per cent in the 3-to-5 age group, from 60 per cent to 77 per cent among 5-year-olds, from 88 per cent to 93 per cent in the 6-to-13 age group, and from 27 per cent to 35 per cent for the 14-to-17 age group.

79. These impressive results have been possible owing to the training of 10,000 teachers and administrative staff and the distribution of 8 million books, according to data supplied by the President of the Republic, Hipólito Mejía, in an address before the members of the Senate and Chamber of Deputies commemorating the one hundredth and fifty-ninth anniversary of national independence.

80. The President also noted that 250 kindergartens with 1,200 teachers have been established, catering to 16,000 children, and that over 11,000 needy students have received grants. In addition, 344 computer laboratories, 90 virtual classrooms and 1,700 computers have been installed at the central and regional levels.

81. The education sector prepared for the promulgation of Act No. 66-97, the Education Organization Act, which makes it compulsory to complete the final year of initial education and the whole of basic education, as well as implementation of the Ten Year Education Plan, which establishes a new curriculum for Dominican education.

82. The innovations in the new curriculum do not introduce content that would radically alter the role of Blacks in everyday life.

83. Spanish language and history textbooks for grades one to four incorporate elements focusing on equity and non-discrimination on the grounds of race or sex. We are going through a process of re-education by means of both formal and informal education.

84. With regard to paragraph 13 of the Committee's concluding observations, the Dominican Republic has taken effective measures in all fields with a view to combating racial prejudice in the country in the field of education. Thus, article 4 of the General Education Act, No. 66-97, provides that education in the Dominican Republic is to be based on the following principles:

“(a) Education is a permanent and inalienable human right. To ensure its effective enjoyment, everyone has the right to comprehensive education allowing the development of his or her personality and the performance of a socially useful activity in accordance with his or her aptitudes and with the local and national interest, without any discrimination on the grounds of race, sex, belief, economic and social status or any other basis. Everyone has the right to participate in cultural life and to enjoy the benefits of scientific progress and its applications;

- (b) Education shall be based on respect for life, fundamental human rights, the principle of democratic, harmonious relations and the quest for truth and solidarity;
- (c) Dominican education is founded in the national culture and the highest values of humanity and is at their service to enrich them;
- (d) The entire Dominican education system is founded on Christian principles, as evidenced by the representation in the national coat of arms of the Gospel according to John, and the motto 'God, Homeland and Freedom';
- (e) World and national historical, cultural, scientific and technological heritage form the basis of national education;
- (f) The family, with primary responsibility for the education of its children, has the duty to educate them. The family shall be free to determine the kind and form of education of its children;
- (g) Education, as a means of individual development and the prime mover in social development, is a national public service, and as such the responsibility of all. The State has an obligation to provide equal educational opportunity in terms of availability and quality, through either State or non-State institutions, subject to the principles and norms established in this Act;
- (h) Dominican education is based on Christian, ethical, aesthetic, community, patriotic, participatory and democratic values such as to reconcile societal and individual needs;
- (i) The State has an obligation, in implementation of the principle of equality of educational opportunity for all, to promote policies and provide the necessary means for the development of the education sector, through social, financial and cultural support for the family and the student, in particular by giving students the help they need to overcome family and socio-economic deficiencies;
- (j) Free education is a fundamental principle of the Dominican education system, as provided for in the Constitution;
- (k) Expenditure on education constitutes a social investment by the State;
- (l) Nutrition and general health are basic determinants in school performance, in view of which the State shall promote higher standards;
- (m) Students, including the gifted, physically handicapped and those with learning difficulties, who shall receive special instruction, have a right to appropriate, free education;

(n) Education shall make use of everyday knowledge as a source of learning and as a vehicle for community, educational and social activities, and shall combine it with scientific and technical knowledge to produce an education suited to individual development. The focus in formulating strategies, policies, plans, programmes and projects shall be the community and its development;

(o) The basic principle of the education system is lifelong education. To this end, the system shall foster self-learning among pupils from a very early age and shall also facilitate various forms of adult education.”

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