



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

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## Committee on the Elimination of Racial Discrimination

### Eighty-second session

11 February–1 March 2013

Item 4 of the provisional agenda

**Consideration of the reports, comments and information submitted  
by States parties under article 9 of the Convention**

### **List of issues to be taken up in connection with the consideration of the thirteenth and fourteenth periodic reports of the Dominican Republic (CERD/C/DOM/Q/13-14)**

The following is a list of issues identified by the country rapporteur in connection with the consideration of the thirteenth and fourteenth periodic reports of the Dominican Republic. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues may be raised in the course of the dialogue.

#### **1. Framework for the implementation of the Convention, the availability and accessibility of solutions, and complaints mechanisms for racial discrimination (arts. 2, 6 and 7)**

- (a) Evolution of the population of the Dominican Republic;
- (b) Government policies, legal, institutional and statutory framework to combat racism, racial discrimination, xenophobia and other related forms of intolerance, including bodies for dialogue, discussion and consultation with victims, with special reference to the population of Haitian origin;
- (c) Complaints, legal proceedings and judgements dealing with racial discrimination;
- (d) Any *amparo* proceedings filed with the new Constitutional Court in relation to racial discrimination;
- (e) Compliance with the judgement in the case of the *Yean and Bosico children v. the Dominican Republic* before the Inter-American Court of Human Rights;

**2. Implementation of the legal framework against racial discrimination (arts. 1, 4 and 5)**

(a) The new Constitution of the Dominican Republic of 26 January 2009 and the application of constitutional protection for rights in accordance with the Constitution;

(b) The criminalization of discrimination and the application of articles 336, 336-1 and 337 of the Criminal Code (CERD/C/DOM/13-14, paras. 26 and 27);

(c) The application of Act No. 6132 on freedom and dissemination of thought and of article 13 of the Civil Code of the Dominican Republic (CERD/C/DOM/13-14, paras. 89 and 90);

**3. The equality of people of African descent and the challenges they face (arts. 2, 4, 5 and 7)**

(a) The exercise and enjoyment of the human rights of people of African descent;

(b) Recognition of people of African descent as part of Dominican society;

(c) Safety and protection of indigenous women of African descent against double discrimination;

(d) Measures designed to combat racial prejudice and stereotypes;

**4. The equality of Haitians and Dominicans of Haitian descent and the challenges they face (arts. 2, 4, 5 and 7)**

(a) Exercise and enjoyment of human rights by Haitians and Dominicans of Haitian descent;

(b) The retroactive application of Act No. 285-04, and of the institutional acts under that policy, such as circular 017-07 issued by the Central Electoral Board concerning the refusal of Dominican nationality for the children of immigrants without identity papers;

(c) Respect for the human rights of Haitian workers, in particular in agriculture, duty-free zones and the building industry;

(d) The restricting factors, such as poverty and language, affecting access to justice by the Haitian population;

(e) Measures to raise awareness and to provide information and education for public officials and the population at large, in order to combat prejudice and discriminatory stereotypes affecting Haitians and Dominicans of Haitian descent.

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