



International Covenant on Civil and Political Rights

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Human Rights Committee

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

Constitutional and legal framework within which the Covenant is implemented (arts. 1 and 2)

1. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 5), please provide detailed information on cases in which the domestic courts have applied the Covenant directly. Please indicate what procedures are in place to facilitate the implementation of the Views adopted by the Committee under the Optional Protocol to the Covenant. Please describe the measures taken to ensure full compliance with the Views adopted by the Committee in the cases of *Pierre Giry v. Dominican Republic* (communication No. 193/1985) and *Barbarín Mojica v. Dominican Republic* (communication No. 449/1991). Please provide information on the decision handed down by the Constitutional Court on 4 November 2014 declaring the jurisdiction of the Inter-American Court of Human Rights to be unconstitutional and indicate whether the State party intends to accept the jurisdiction of the Court once more. Please provide information on the progress made towards adopting the National Action Plan on Human Rights and on the expected date of adoption.

2. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 6), please describe the steps taken to guarantee the legislative and regulatory environment and the human, financial and material resources necessary to allow the Ombudsman's Office to carry out its mandate fully, effectively and independently, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

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

3. Please describe the measures taken to promote equality of opportunity and effective access to basic services for, among others, persons with disabilities, refugees, asylum seekers and persons of African descent, as well as to ensure their full integration into and participation in society.

4. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, paras. 7 and 16), please describe the measures taken to provide migrants, particularly Haitians, persons of Haitian descent and women, with effective protection against discrimination and stereotyping, including any awareness-raising campaigns conducted to date. Please also provide information on: (a) the number of complaints received about discrimination, violence and attacks; (b) the investigations conducted into those complaints; (c) the penalties imposed on those responsible; and (d) the protective measures prescribed and the reparation provided in those cases.

* Adopted by the Committee at its 119th session (6-29 March 2017).



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

5. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 16), please provide information on the measures taken to prevent, punish and eradicate, fully and effectively, the social stigmatization, harassment, discrimination and violence suffered by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, especially transgender women. Please provide disaggregated statistical information on the complaints received, investigations conducted, penalties imposed, reparation provided and the assistance and compensation offered to victims of such violations, including the measures adopted to give effect to the relevant provisions of the Criminal Code of 2016. Please also provide information on the extent of the discrimination suffered by LGBTI persons in the police force, including the steps taken to repeal the relevant articles of Act No. 285-66. In addition, please provide information on the awareness-raising campaigns conducted with a view to eradicating violence based on sexual orientation and gender identity.

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

6. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 10), please describe the measures taken to give effect to the principle of equality between men and women and, in particular, to increase the participation of women in the public and private sectors, especially in decision-making and high-ranking posts, including the representation of women in legislative bodies, in the Government, in the civil service, in political parties and at the international level, and including any temporary special measures adopted. Moreover, bearing in mind that the Second National Gender Equity and Equality Plan (2007-2017) will soon come to an end, please provide information on the results obtained and the preparations under way to develop a new national plan, including the measures taken to guarantee the participation of civil society in that process.

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

7. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 11), and in the light of the Attorney General's November 2016 announcement of a comprehensive action plan to combat gender-based violence in all spheres, please describe the measures taken during this period to prevent, punish, provide comprehensive victim support and, in short, eradicate sexual and gender-based violence, including measures to encourage the filing of complaints and guarantee effective access to justice, as well as protective measures, especially in rural areas, and specific legislative measures. Please describe the steps taken to establish a national statistical register on these issues and provide the following information: (a) the number of femicides and rapes recorded during the reporting period, including in 2016; (b) the number of complaints of gender-based violence received per year; (c) the number of temporary restraining orders issued; (d) the prosecutions carried out, sentences handed down and penalties imposed; (e) the reparation provided to victims; and (f) the current capacity of shelters for victims of gender-based violence, indicating whether the shelters cover existing demand. Please provide information on the training dispensed to the staff of judicial institutions and the police on violence against women, including sexual harassment and domestic violence, since the adoption of the Committee's previous concluding observations. Please also provide information on the awareness-raising campaigns conducted to condemn violence against women, fight the social stigmatization of victims, encourage the filing of complaints and explain the reparations available, including programmes targeting marginalized groups. Please describe the results of the Strategic Plan for the Prevention, Detection, Handling and Punishment of Violence against Women and Domestic Violence (2011-2016), and the steps being taken to replace it. Lastly, please provide information on the incidence of underage marriage and the measures taken to address this issue.

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

8. Please provide information on the measures taken to reduce the high rates of maternal mortality and teenage pregnancy in the State party. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 15), please describe the measures taken or to be taken to decriminalize the voluntary termination of pregnancy, including the legalization of situations that include the protection of the woman's life and health, when the pregnancy is the result of rape or incest or when the fetus cannot survive outside the womb, as well as steps taken to ensure that the regulation of abortion does not lead women to resort to unsafe abortions that may put their lives or health at risk. Please also report on the steps taken to ensure that sexual and reproductive health services are accessible to all women and adolescents in all regions of the country, and on the education and awareness-raising programmes (both formal and informal) conducted to promote the use of contraception and sexual and reproductive health rights, especially among adolescents. Please report on the results of the National Plan for the Prevention of Teenage Pregnancies (2011-2016) and the National Strategic Plan for the Reduction of Maternal and Child Mortality (2012-2016), and indicate whether the State party intends to renew these plans.

9. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 13), please describe the measures taken to eliminate police brutality and the excessive use of force by law enforcement and security officers, including extrajudicial executions, deaths resulting from exchanges of gunfire, torture and cruel, inhuman or degrading treatment, in particular during interrogation, and the measures taken to ensure that investigations into such violations are conducted in a prompt, thorough, independent and impartial manner. Please provide disaggregated information on the number of complaints received, investigations conducted, judgments rendered, penalties imposed, protective measures prescribed and reparation provided. Please describe the legal standard applied by the State party to determine when the use of force and firearms is authorized in the course of law enforcement, the source of this standard in domestic legislation, and the harmonization of legislation, policies and practices with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, including information on the appropriate training for law enforcement and security officers. Please describe the steps taken to specifically criminalize extrajudicial executions and ensure that they are duly prosecuted. Please also describe the measures taken to combat the high crime rate in the State party.

10. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 14), please describe the measures taken to ensure that all cases of brutality or excessive use of force by law enforcement and security officers, particularly in prisons and detention centres, are investigated, prosecuted and punished in an immediate, independent and impartial manner, indicating whether an independent and impartial mechanism has been created for that purpose. In particular, please provide information on the steps taken to: (a) ensure that such acts are investigated ex officio when the victim has not filed a complaint; (b) create judicial and administrative mechanisms for enforcing sentences providing victims with reparation and compensation; and (c) amend article 61 of the National Police Institutional Act to include a reference to the civil liability of the State in all cases of police liability. Please also provide information on how the following issues have been addressed in the reform of the national police: (a) quality vocational training; (b) adequate working conditions, wages and professional development; (c) the creation of control mechanisms within the police force that promote full respect for human rights by officers; and (d) the eradication of corruption.

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

11. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 17), please provide up-to-date information on the measures taken to put an end to human trafficking and sexual exploitation, particularly of women and children. Please provide detailed information on the steps taken to: (a) extend and strengthen systems for detecting trafficking and conduct awareness-raising campaigns; (b)

effectively investigate cases of trafficking and prosecute and punish those responsible; (c) increase the protection and assistance provided to victims, including by setting up shelters in all regions of the country; (d) provide compensation to victims in accordance with the law; (e) provide specialized training to all stakeholders working in this field, including judges, law enforcement officers, immigration officers, service sector employees and staff specialized in monitoring and protection; and (f) strengthen the mechanisms for cooperation with neighbouring countries.

12. Please provide information on the measures taken to ensure compliance with labour legislation pertaining to, *inter alia*, the minimum wage, working hours, payment of overtime and minimum age of employment to prevent workers on the sugar cane plantations from falling victim to contemporary forms of slavery, as well as on the measures taken to prevent forced labour. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, paras. 18 and 19), please provide up-to-date information on the measures taken to prevent and eradicate child labour, especially in the domestic and agricultural sectors, as well as on the measures taken to ensure that all workers, regardless of their migration status, can enjoy their rights. In this connection, please provide disaggregated data, covering the period since the adoption of the Committee's previous concluding observations, on: (a) efforts to extend and strengthen systems for detecting the violation of labour rights, particularly as regards the sugar industry and child labour; (b) the number of complaints received and labour inspections conducted; (c) the investigations and prosecutions carried out, the sentences handed down and the penalties imposed; (d) the protection, assistance and reparation provided to victims, as well as reintegration programmes; (e) specialized training initiatives for all stakeholders working to combat child labour and forced labour; (f) the establishment of specialized monitoring and protection mechanisms and the number of labour inspectors; (g) the efforts made to develop public awareness and education campaigns on protecting the rights of children and adolescents; and (h) the collection of disaggregated statistical information on the prevalence of child labour and forced labour and on labour rights violations.

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

13. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 21), please report on the implementation of the new prison model. Please also report on the implementation of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) in all prison facilities, as well as on the training dispensed to prison staff and on the existence of independent inspection and supervisory mechanisms. Please provide information on the measures taken to increase the use of alternatives to imprisonment, such as electronic monitoring, parole and community service, and please include statistical information in this connection. Please provide information on the protection and assistance provided to women in prison, particularly with regard to medical care for pregnant women and support for mothers with children. Lastly, please provide statistical information on prison capacity and population during the reporting period, disaggregated by penal establishment, and describe the measures taken to improve the living conditions in the prisons operating under the previous prison model and, in particular, to put an end to overcrowding.

Right to a fair trial (art. 14)

14. Please provide information on the mechanisms in place to guarantee the independence and competence of the judiciary, and on the measures taken to eradicate corruption, impunity and interference by other branches of government in the judiciary. In particular, please provide information on the safeguards in place to ensure that the selection and appointment process effectively guarantees the independence, ability and integrity of judges, including the establishment of an independent body to assess the qualifications and performance of the judiciary. Please provide statistical data on the number of complaints of interference and corruption received, the number of investigations and prosecutions carried out, the average length of the trials involved, and any penalties imposed on the perpetrators. Please provide information on the measures taken to ensure that investigations into cases of corruption are conducted in a prompt, thorough, independent and impartial manner and to

raise awareness among judges, prosecutors and the police of the most effective ways to combat corruption. Please provide information on the measures taken to ensure that the judiciary has the necessary resources to function effectively.

Deportations and non-refoulement (arts. 6, 7, 9, 10, 13, 14 and 24)

15. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 20), please describe the measures taken to ensure that the deportation of foreigners is carried out in accordance with the provisions of the Covenant, including the guarantee of due process of law and the principle of non-refoulement, and the measures put in place to prevent "pushbacks" at the border. Please provide information on: (a) the steps taken to abolish the detention for an unspecified period of persons who are going to be deported; (b) the number of persons detained for migration-related issues and the average period of detention; (c) the efforts made to provide alternatives to detention for migration-related issues; (d) the steps taken to ensure that a higher court can review the guarantees of due process in cases of detention for migration-related issues; and (e) the human rights training dispensed to the officials in charge of migration procedures. Describe the measures taken to guarantee the provision of shelter, care and protection to unaccompanied minors; the measures taken to protect minors at the border between the Dominican Republic and Haiti and to facilitate the voluntary return of migrant children while ensuring respect for guarantees of due process. Please provide information on: (a) the measures taken to guarantee the protection of asylum seekers in accordance with international standards, including through the reform of the asylum application process and the criteria for inadmissibility; (b) the number of asylum applications received and the number of cases in which refugee status has been granted or revoked since 2013; and (c) the average length of time required to issue a decision. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 8), please describe the efforts undertaken to provide asylum seekers and refugees with identification documents in order to protect them against wrongful deportation. Please include information on the number of identification documents issued since the adoption of the Committee's previous concluding observations and a breakdown of the rights granted by such documents.

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

16. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 22) and the information requested in the follow-up letter of 15 April 2016, please provide information on the legislative measures, other than Act No. 169/14 and its Regulation No. 250/14, and the administrative measures taken to ensure the effective realization of the Covenant rights of the generations of Dominicans of foreign origin who lost their Dominican nationality and who are currently stateless by virtue of Constitutional Court judgment 168/13. Please also include information on all measures taken to ensure that the irregular stay of parents does not entail the refusal to grant Dominican nationality to persons born in the territory of the State party.

17. Please describe the measures taken to promote equality of opportunity and effective access to basic services for all stateless persons. Please include information on the measures taken to ensure that those persons enjoy effective access to education — including the efforts undertaken to guarantee to all children the opportunity to enrol in State schools — and to employment, housing, health care and justice and to all other civil and political rights that may be affected by migration status and nationality. Please describe the steps taken to ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

18. Please describe the measures taken to address the situation of persons who were stripped of their Dominican nationality pursuant to the Constitutional Court judgment and who have no other nationality. Please also provide up-to-date information on: (a) the number and status of the requests received for recognition of the nationality of persons who were born in the State party of foreign parents in an irregular migration situation and who were registered in the Dominican Civil Registry between 1929 and 2007, on the measures taken to ensure that all eligible persons who request identity documents receive them, and on the status of the children of these persons during the process of their parents' acquisition

of nationality; (b) the number and status of the requests for naturalization received from persons born in the State party but not registered in the Civil Registry between 1929 and 2007, the measures taken to ensure that all eligible persons obtain naturalization and the status of the children of these persons during the process of their parents' naturalization; and (c) the measures taken to address the situation of persons who were born in the State party but whose birth was not registered in the Civil Registry between 1929 and 2007 and who have not applied or have not been able to apply for naturalization, in accordance with articles 6 to 8 of Act No. 169/14, including those persons who were born before 2007 and whose birth was registered after that date and recorded in the Foreign Birth Registry instead of the Dominican Civil Registry.

19. Please provide information on the status of children of mixed couples where only one parent is Dominican, particularly where the mother is an undocumented foreign national, and on the status of persons who were born between 18 April 2007 and 26 January 2010 in the State party and whose parents are undocumented foreign nationals. Please also provide information on the criteria used to issue identity documents to adults who have not been issued with birth certificates in accordance with article 3 of Act No. 169/14.

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

20. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 24), please describe the measures taken to protect and promote freedom of expression, in accordance with the guidelines set out in its general comment No. 34 (2011) on freedoms of opinion and expression, and the protective measures adopted to guarantee the safety of journalists and human rights defenders in the conduct of their activities, particularly those working to promote the rights of Haitian migrants and persons of Haitian descent, including those who remain expressly opposed to Constitutional Court judgment 168/13. Please also provide information on the number of complaints of attacks, threats and intimidation received from journalists and human rights defenders, and on the status of the investigations conducted in this connection; and also on the penalties imposed on those responsible, the protective measures prescribed and the reparation provided. Please provide information on any awareness-raising campaigns undertaken to prevent and eradicate violence against journalists and human rights defenders and to educate the general public about tolerance and respect for diversity.

Right of peaceful assembly (arts. 21 and 22)

21. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 25), please report on the efforts undertaken to guarantee the effective exercise of the rights of peaceful assembly and freedom of association. Please provide information on the steps taken to investigate and prevent violations of the right of peaceful assembly, including the violent break-up of protests by the police, in particular at the demonstration of 24 November 2015. Please describe the efforts undertaken to guarantee the right of peaceful assembly and freedom of association of migrant workers in an irregular situation without the exercise of these rights triggering the loss of their employment or their deportation.

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

22. Bearing in mind the Committee's previous concluding observations (CCPR/C/DOM/CO/5, para. 23), please describe the measures taken to introduce a simple and accessible birth registration procedure and to ensure that all children born in the State party's territory are registered and receive an official birth certificate. Please also include information on the measures taken to prohibit and eradicate the corporal punishment of children in all settings.

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

23. Please provide information on the measures taken to guarantee the full participation of persons with disabilities in electoral processes. In view of reports on serious cases of corruption and systemic corruption at all levels of government, please provide information on the measures taken and the efforts made to combat that phenomenon. Please also

provide information on the existing legal framework for combating corruption and on the investigations and prosecutions carried out, the judgments issued, the sentences handed down and the penalties imposed during the reporting period.
