



Human Rights Council
Working Group on the Universal Periodic Review
Forty-sixth session
29 April–10 May 2024

Dominican Republic

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights*

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child recommended that the Dominican Republic ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.²

3. The Committee on the Rights of the Child recommended that the Dominican Republic consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.³ The United Nations country team recommended that the Dominican Republic adhere to the Convention relating to the Status of Stateless Persons and to the Convention on the Reduction of Statelessness⁴ and ratify the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190).⁵

4. The Independent Expert on the enjoyment of all human rights by older persons recommended ratifying the Inter-American Convention on Protecting the Human Rights of Older Persons.⁶

5. Several special procedure mandate holders called for ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).⁷

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



6. The United Nations country team noted that the State was yet to extend a standing invitation to the special procedures.⁸

III. National human rights framework

Institutional infrastructure and policy measures

7. The Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic ensure the full independence of the Office of the Ombudsman, in compliance with the principles relating to the status of national human rights institutions (the Paris Principles), and strengthen its capacity to investigate and report on human rights violations.⁹ The Independent Expert on older persons encouraged the Office of the Ombudsman to include older persons in its work.¹⁰

8. The Committee on the Rights of the Child recommended establishing expeditiously an independent mechanism for monitoring human rights.¹¹

9. The United Nations country team recommended vesting the Inter-institutional Commission for Human Rights or any future national mechanism for reporting and follow-up with the mandate to respond to individual communications from international and regional human rights mechanisms, fulfil all reporting obligations of the State to those mechanisms, ensuring that reporting was aligned with the Sustainable Development Goals, and coordinate the implementation of the recommendations of the mechanisms.¹² The Committee on the Rights of the Child emphasized that the mechanism should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Inter-institutional Commission and with civil society.¹³

10. The United Nations country team recommended providing sufficient resources to operationalize the National Plan of Human Rights, which had been extended to cover the period 2023–2024.¹⁴

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. The Committee on the Rights of the Child urged the Dominican Republic to expeditiously approve the draft general law on equality and non-discrimination, review the Criminal Code to include protection against discrimination on the grounds of sexual orientation and gender identity, tackle intersecting discrimination, reduce inequalities affecting the most marginalized and excluded groups, and promote aware-raising campaigns to address racial discrimination and xenophobia.¹⁵

12. The United Nations country team recommended redoubling awareness-raising and dissemination efforts in relation to human rights, including regarding the prevention of discrimination, violence and hate speech, and the protection of vulnerable groups;¹⁶ and establishing a legal framework against hate crimes on social networks that respected the right to freedom of expression.¹⁷

2. Right to life, liberty and security of person, and freedom from torture

13. The Committee against Torture noted allegations of torture and ill-treatment being used by the police as a means of obtaining confessions.¹⁸ It requested information on investigations into the deaths of persons in detention, the number of deaths attributed to assaults committed or tolerated by public officials in which excessive force was used, steps taken to address police brutality and the excessive use of force by law enforcement officials, including extrajudicial killings, and allegations that public officials had been complicit in acts of violence linked to contract killing and drug trafficking.¹⁹

14. The same Committee noted Supreme Court judgment No. 555/17, which stated that detention conditions in prisons amounted to a serious and flagrant breach of the constitutional order.²⁰ The United Nations country team recommended improving detention conditions, particularly in the border provinces.²¹ The Committee on the Rights of the Child recommended ensuring that detention conditions were compliant with international standards.²²

3. Administration of justice, including impunity, and the rule of law

15. The United Nations country team welcomed the establishment of Ministry of Justice functions to lead justice and human rights strategies and public policies, responsibilities currently assigned to the Office of the Attorney-General. The United Nations country team encouraged the Office of the Attorney-General to operate in line with the Guidelines on the Role of Prosecutors.²³

16. Concerned that the justice system for children had limited personnel,²⁴ the United Nations country team recommended ensuring that juveniles had access to a lawyer.²⁵ The Committee on the Rights of the Child urged the State to continue its efforts to bring its child justice system into line with the Convention on the Rights of the Child.²⁶

17. The Committee on the Elimination of Discrimination against Women recommended providing systematic training to judges, prosecutors and law enforcement officers on women's rights.²⁷

18. The same Committee recommended ensuring that women with disabilities had access to justice, including by using sign language and braille in judicial proceedings.²⁸ The Committee on the Rights of Persons with Disabilities asked about measures taken to eliminate restrictions in the physical environment and in the administrative and judicial rules and procedures.²⁹

4. Fundamental freedoms

19. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Dominican Republic to continue its efforts in updating the legislative framework on freedom of expression, including creating an independent oversight institution, in accordance with international human rights standards; and to strengthen freedom of expression and the protection of journalists.³⁰

20. UNESCO encouraged the Dominican Republic to decriminalize defamation and incorporate it into the Civil Code, in accordance with international standards.³¹

21. UNESCO recommended ensuring that the telecommunications and radiocommunications regulator was independent, in line with international standards.³²

22. The United Nations country team noted that the General Act on Free Access to Public Information, No. 200-04, currently under revision, did not provide for the existence of an independent oversight body.³³

5. Prohibition of all forms of slavery, including trafficking in persons

23. The ILO Committee of Experts on the Application of Conventions and Recommendations asserted that the trafficking of children for commercial sexual exploitation had been an extensive problem in the Dominican Republic, particularly in the tourism sector, and that there had been a high degree of impunity in that sphere, and therefore noted with deep concern the low number of convictions in relation to such cases.³⁴ The Committee on the Elimination of Discrimination against Women expressed concern at the large number of Dominican adolescent girls being sexually exploited, and at the trafficking in Dominican women outside the country for exploitation in prostitution.³⁵

24. The ILO Committee of Experts urged the Dominican Republic to ensure that the circumstances that constituted the sale and trafficking of children for exploitation were investigated, and that the perpetrators were duly prosecuted and penalized; to intensify its efforts to prevent the commercial sexual exploitation of children in the tourism industry, and ensure that child victims of commercial sexual exploitation could access complaint

mechanisms rapidly, easily and free of charge, and could also access programmes for their rehabilitation and social reintegration.³⁶ The Committee on the Elimination of Discrimination against Women recommended addressing situations of vulnerability contributing to the exploitation of prostitution of women and girls in order to eliminate their vulnerability to sexual exploitation.³⁷

25. The ILO Committee of Experts took note of the revision of the Criminal Code for the purpose of reinforcing the penalties for perpetrators of the sale and trafficking of children for commercial sexual exploitation.³⁸ The Committee on the Rights of the Child urged the Dominican Republic to ensure that the new Criminal Code comprehensively defined the crime of sexual exploitation of children in all settings.³⁹

26. The Committee on the Elimination of Discrimination against Women expressed its concern at the delay in adopting the draft law to amend Law No. 137-03 on the Smuggling of Migrants and Trafficking in Persons to expand the definition of trafficking with regard to minors.⁴⁰ The United Nations country team reported that the draft law had been under review since 2019.⁴¹ The Committee also noted with concern that migrant, refugee and asylum-seeking women were at a higher risk of trafficking, especially those who were undocumented or in an irregular situation, most of them women of Haitian origin.⁴²

27. The United Nations country team recommended amending Law No. 137-03 to align it with international human rights standards, ensuring that national legislation and practices on the prohibition of slavery and trafficking complied with treaty obligations, and updating the national regulatory framework for the prevention and punishment of trafficking.⁴³ The Committee on the Rights of the Child urged the Dominican Republic to fully implement, with immediate effect, the National Action Plan against Human Trafficking and Migrant Smuggling (2022–2024).⁴⁴

6. Right to work and to just and favourable conditions of work

28. The ILO Committee of Experts noted that, between 2018 and 2021, the unemployment rate had risen from 5.3 per cent to 8 per cent.⁴⁵ The Committee identified informality as a structural problem in the country that had increased as a result of the coronavirus disease (COVID-19) pandemic, especially in the commerce and construction sectors.⁴⁶ While taking note of the bill on initial employment, the Committee stressed that young persons who had finished higher education faced major difficulties regarding access to the labour market and many of the jobs were precarious, temporary, and offered low wages.⁴⁷

29. The United Nations country team noted deficits in decent work, barriers to women's economic empowerment, gaps in the labour and productive inclusion of young people, persons with disabilities, migrants and lesbian, gay, bisexual, transgender and intersex persons, and the precariousness of formal employment affecting, among others, migrant workers in the agricultural sector. The team encouraged the Dominican Republic to implement programmes for labour insertion and to support the transition towards a green economy.⁴⁸

30. The country team reported that the country was yet to align its national regulatory framework with the ILO Domestic Workers Convention, 2011 (No. 189) in such areas as working hours and bidding for contracts.⁴⁹ The team recommended regulating domestic work, and addressing labour supply and demand with regard to migrant women.⁵⁰

31. The country team also reported that the Haiti–Dominican Republic Mixed Bilateral Commission had not addressed issues concerning the arbitrary expulsion of workers.⁵¹

32. The ILO Committee of Experts noted allegations of repeated acts of anti-union discrimination, particularly anti-union dismissals, and of interference in some enterprises. It urged the Dominican Republic to adopt effective penalties as a deterrent against such acts.⁵²

33. The same Committee expressed the strong hope that the new Labour Code and new legislation governing public sector workers would be adopted in conformity with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and that the review process of the Labour Code would give rise to the amendment of sections 109 and 110 on collective bargaining.⁵³

7. Right to social security

34. The United Nations country team noted that about 40 per cent of the population, mostly women, were yet to have social protection coverage by at least one social security programme. The team encouraged the Dominican Republic to reduce discrimination and promote gender equality in pension, health and occupational risk programmes.⁵⁴

8. Right to an adequate standard of living

35. The Committee on the Elimination of Discrimination against Women expressed concern that the poverty rate, which had increased in rural areas in 2019 and 2020, had affected primarily women, despite a decrease in the poverty rate in urban areas. It also expressed concern at the lack of adequate coverage in rural areas in the education, health, and justice sectors, and recommended ensuring that rural women had access to land ownership, education, and health care.⁵⁵

36. The United Nations country team recommended including single-parent families, women, girls and adolescents, persons with disabilities, domestic workers and undocumented persons in poverty reduction efforts, social development, and food security policies.⁵⁶

37. The Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic continue to increase social spending and strengthen social security systems.⁵⁷

38. The same Committee noted with concern that women migrant workers employed in the informal economy who were in an irregular situation were unable to access the banking system, and that banks gave priority to married women when authorizing loans. It recommended increasing access to credit for all women in a non-discriminatory manner.⁵⁸

39. In 2021, the Special Rapporteur on the human rights to safe drinking water and sanitation referred to water supply cuts due to non-payment, including during the COVID-19 pandemic, which constituted a violation of the human rights to water and sanitation. The Special Rapporteur reiterated that access to safe drinking water and sanitation for vulnerable individuals and groups should be a priority.⁵⁹

40. The Independent Expert on older persons urged the Dominican Republic to invest in social housing for older persons and to develop a national strategy to combat the homelessness of older persons, while finding alternatives to their institutionalization.⁶⁰ The United Nations country team recommended ensuring access to housing for lesbian, gay, bisexual, transgender and intersex persons.⁶¹

9. Right to health

41. The United Nations country team recommended increasing the budget allocation for the health sector to guarantee access to, and the universal coverage of, health care, and establishing mental health services in the public health system.⁶²

42. The Committee on the Rights of the Child recommended developing a school programme to improve mental health and prevent suicide.⁶³

43. Concerned at the high maternal mortality rate, the same Committee recommended increasing investment in maternal and neonatal health care and undertaking further efforts to reduce infant and child mortality.⁶⁴

44. The Committee on the Elimination of Discrimination against Women expressed concern about the limited access to safe abortion and post-abortion services, noting that unsafe abortions were a leading cause of maternal mortality and morbidity in the Dominican Republic, as well as about the criminal liability of women who procured abortions and their resulting imprisonment.⁶⁵ The Committee on the Rights of the Child also expressed concern about the ban on abortion.⁶⁶ The United Nations country team expressed concern about the lack of criminal law reforms to decriminalize abortion on the three recommended grounds.⁶⁷

45. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child recommended that the Dominican Republic amend the Criminal Code to legalize abortion, at least in cases of rape, incest, threats to the life and/or

health of the pregnant woman and severe foetal impairment, and decriminalize it in all other cases, and provide all women with access to safe abortion and post-abortion services, in particular in cases where complications were the result of unsafe abortions.⁶⁸ The Committee on the Elimination of Discrimination against Women recommended introducing a moratorium on the enforcement of the current law and reviewing the detention of women for abortion-related offences to ensure their immediate release and the provision to them of adequate reparations.⁶⁹

46. The Committee on the Rights of the Child expressed serious concern at the persistently high rates of child and adolescent pregnancy.⁷⁰

47. The Committee on the Rights of the Child urged the Dominican Republic to adopt a comprehensive sexual and reproductive health policy for adolescents.⁷¹ The Committee on the Elimination of Discrimination against Women recommended ensuring the availability, accessibility and use of contraceptives to all women, and specifically to adolescent girls.⁷² The United Nations country team recommended increasing investment in comprehensive adolescent health and sexual education in the general public and in schools, and implementing the policy for the prevention of early unions and teenage pregnancy and the care of those involved (2021), which included comprehensive sex education and the strengthening of quality health services for adolescents.⁷³

48. Concerning the reported disproportionately high prevalence of HIV among certain disadvantaged and marginalized groups of women, including pregnant women, the Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic increase the number of HIV units and provide free antiretroviral treatment to all women and girls living with HIV/AIDS.⁷⁴ The Committee on the Rights of the Child recommended protecting the right to non-discrimination of HIV patients and strengthening programmes for the prevention of mother-to-child HIV/AIDS transmission.⁷⁵

10. Right to education

49. The Committee on the Rights of the Child recommended that the Dominican Republic ensure that all children completed free, equitable and quality primary and secondary education.⁷⁶ UNESCO recommended improving the quality of education and continuing to increase the enrolment in education, especially at preprimary and secondary level, as well as improving gender equality in education.⁷⁷ The United Nations country team recommended incorporating gender equality and the prevention of teenage pregnancy into the educational curriculum.⁷⁸

50. The ILO Committee of Experts encouraged the Dominican Republic to continue taking measures to ensure compulsory schooling up to the age of 14 years.⁷⁹ UNESCO recommended aligning the minimum age of employment with the end of compulsory education.⁸⁰

51. The United Nations country team and UNESCO recommended ensuring universal inclusive education for children, and for students with disabilities.⁸¹

52. The Independent Expert on older persons recommended strengthening efforts towards literacy for older adults, including digital literacy, especially in rural areas, and strengthening the vocational training of older persons, as well as lifelong education programmes.⁸²

11. Cultural rights

53. UNESCO encouraged the Dominican Republic to promote access to and participation in cultural heritage and creative expression, giving due consideration to the participation, inter alia, of communities and groups in vulnerable situations, and ensuring that equal opportunities were given to women and girls.⁸³

12. The environment and business and human rights

54. The Independent Expert on older persons encouraged the Dominican Republic to develop a policy on older persons and natural/environmental disasters, including measures addressing their specific needs and ensuring their meaningful participation.⁸⁴

55. The Committee on the Rights of the Child recommended designing a well-resourced strategy to remedy the effects of pollution and regulating the maximum concentrations of air and water pollutants.⁸⁵

56. The same Committee recommended that the Dominican Republic establish and implement regulations to ensure that the business sector complied with international and national human rights, labour and environmental standards; adapt the legal frameworks to ensure the legal accountability of business enterprises; and require companies to undertake assessments, consultations and full public disclosure of the environmental and health-related impacts of their business activities and of their plans to address such impacts.⁸⁶

B. Rights of specific persons or groups

1. Women

57. The Human Rights Committee noted the formulation of the National Gender Equity and Equality Plan 2020–2030.⁸⁷

58. The Committee on the Elimination of Discrimination against Women expressed concern about the persistence of discriminatory stereotypes of the roles of women and men, including in education, and the persistence of intersecting forms of discrimination against disadvantaged and marginalized groups of women in the country, in particular women of Haitian origin.⁸⁸ The Committee on the Rights of the Child expressed serious concern about the multiple gender-based discrimination from the earliest stages of girls' life and throughout their childhood.⁸⁹

59. The Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic undertake further efforts to combat discriminatory stereotypes in all sectors, including through awareness-raising campaigns; adopt legislation to prohibit all forms of discrimination against women that covered direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination; strengthen the Ministry of Women's Affairs; and systematically implement gender-responsive budgeting in all programming relevant for achieving substantive gender equality.⁹⁰

60. The same Committee also expressed concern at the high incidence of gender-based violence against women in the country, and the limited number of prosecutions and convictions in that regard, as well as the lenient sentences imposed on perpetrators.⁹¹

61. The same Committee urged the Dominican Republic to adopt a comprehensive law on gender-based violence against women that provided for risk assessments for victims, protection orders and adequate sanctions for non-compliance, effective reparations and adequately funded and accessible victim support services; unify procedures for reporting cases of gender-based violence against women; and ensure that women and girls, including lesbian, bisexual, transgender women and intersex persons, who were victims of gender-based violence, had adequate access to medical, psychosocial and legal assistance and to victim and witness protection programmes.⁹² The Independent Expert on older persons urged the country to amend existing laws on gender-based violence to explicitly include older women.⁹³ The United Nations country team recommended strengthening complaint mechanisms and care and protection for victims of gender violence, undertaking sensitization of security forces personnel and case attendants of victims of gender-based violence, ensuring the punishment of perpetrators, reparations for victims of gender-based violence and femicides, the prosecution of crimes against lesbian, gay, bisexual and transgender persons, and the availability of resources for fully implementing the Strategic Plan for a Life Free from Violence for Women.⁹⁴

2. Children

62. The Committee on the Rights of the Child recommended that the Dominican Republic strengthen the Office for Children and Adolescents and improve its coordination with the ministries of education, health and social development, and the National Council for Children and Adolescents.⁹⁵ The United Nations country team recommended amending Law 136-03 to ensure that the National Council for Children and Adolescents had legal status at the

ministerial level and was vested with the mandate to handle child protection cases and regulate the system for protecting children against violence.⁹⁶

63. The Committee on the Rights of the Child recommended that the Dominican Republic consider harmonizing article 21 of the Constitution with article 12 of the Convention on the Rights of the Child in order to recognize the right of children to participate in all matters that affected them and to have their views be given due weight.⁹⁷

64. While welcoming the adoption, in 2021, of Law No. 1-21, which prohibited marriage under the age of 18 for both girls and boys, without exception, the Committee on the Elimination of Discrimination against Women expressed concern at the high numbers of child and/or forced marriages and de facto unions.⁹⁸

65. The Committee on the Rights of the Child urged the Dominican Republic to abolish early and de facto unions and child marriage in practice.⁹⁹ The Committee on the Elimination of Discrimination against Women recommended prosecuting and adequately punishing those officiating at ceremonies for child and/or forced marriages and/or those instigating and facilitating forced early unions; and raising public awareness on the minimum age of marriage.¹⁰⁰ The United Nations country team recommended strengthening efforts to eliminate cultural practices that promoted early unions.¹⁰¹

66. The Committee on the Rights of the Child expressed concern at the prevalence of child labour, the considerable number of children between the ages of 5 and 15 who worked and the high number of children aged 14 to 17 who were engaged in hazardous work.¹⁰² The United Nations country team reported that the National Strategic Plan against Child Labour had expired.¹⁰³

67. The United Nations country team recommended that the Dominican Republic increase the minimum age for child labour to 15 years.¹⁰⁴ The Committee on the Rights of the Child recommended that the country redouble its efforts to adopt measures to prevent and combat the economic exploitation of children, including by amending domestic legislation to prohibit the employment of children under 15 years of age.¹⁰⁵ The ILO Committee of Experts requested the Dominican Republic to take stronger action for the progressive and full elimination of child labour, including in the informal economy; and continue taking measures to prevent persons under 18 years of age from performing work considered to be hazardous.¹⁰⁶

68. The United Nations country team expressed concern about corporal punishment being an accepted practice within families, and encouraged the Dominican Republic to review the legal framework to ensure the punishment of domestic violence without exceptions.¹⁰⁷ The Committee on the Rights of the Child urged the Dominican Republic to explicitly prohibit and eliminate corporal punishment in law and in practice in all settings, adopt a comprehensive law to address all forms of violence against children in all settings, and develop a comprehensive national strategy to prevent and respond to all forms of violence against children.¹⁰⁸

69. Regarding the large number of cases of sexual exploitation and abuse of children, the Committee on the Rights of the Child urged the Dominican Republic to establish a minimum age of sexual consent in its domestic legislation and to ensure that the new Criminal Code comprehensively defined the crime of sexual exploitation of children in all settings.¹⁰⁹ The United Nations country team recommended revising legislation on the sale, exploitation and sexual abuse of children and on the system of protection and fundamental rights of children (Law 136-03) to align it with international standards.¹¹⁰

70. The Committee on the Rights of the Child recommended that the Dominican Republic ensure that all children had access to confidential, child-friendly and independent complaints mechanisms for reporting all forms of violence, abuse, discrimination and other violations; legal support and representation and remedies, and adequately trained officials in the justice system.¹¹¹

71. The same Committee recommended ensuring that adequate safeguards and clear criteria, based on the needs and best interests of the child, were in place to determine whether a child should be placed in alternative care.¹¹²

72. The Committee recommended that the country stop the use of security personnel to remove children living and/or working on the streets and ensure that there were programmes in place to support them.¹¹³

3. Older persons

73. While congratulating the Dominican Republic for having improved the situation for older persons in the country, the Independent Expert on older persons asserted that ageism and age discrimination were still pervasive in Dominican society and that institutionalization was the sole alternative for caring for older persons.¹¹⁴

74. The same Independent Expert recommended that the Dominican Republic adopt a comprehensive legally binding instrument on the human rights of older persons, and comprehensive legislation dealing with violence against and abuse of older persons, including protection measures for older survivors and legal safeguards against economic and financial violence against them; and consider revising Law No. 352-98 on Protection of the Ageing Person to strengthen the protection system through effective accountability mechanisms.¹¹⁵

75. The Independent Expert also recommended that governmental entities include older persons in their workplans and work with the National Council of the Ageing Person to develop specific programmes addressing the situation of older persons with multiple and intersecting identities, and that the Government appoint a focal point in all ministries, departments and agencies, with adequate resources, to ensure a better mainstreaming of the rights of older persons.¹¹⁶ The Independent Expert also recommended that older migrants be granted access to social security and health care. Specific programmes should address the situation of older persons living in the *bateyes* – informal settlements for sugarcane workers.¹¹⁷

4. Persons with disabilities

76. The Committee on the Rights of the Child urged the Dominican Republic to adopt a human rights-based approach to disability.¹¹⁸

77. The Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic eliminate all systems that fully or partially deprived women with disabilities of their legal capacity, and introduce temporary special measures focused on fostering their vocational training and participation in the labour market.¹¹⁹

78. The Committee on the Rights of the Child recommended that the country take immediate measures to ensure that children with disabilities had access to health care.¹²⁰

79. The Committee on the Rights of Persons with Disabilities sought information about measures adopted to explicitly prohibit medical treatment, particularly psychiatric treatment, administered without the free and informed consent of the person with disabilities concerned.¹²¹

5. Lesbian, gay, bisexual, transgender and intersex persons

80. The United Nations country team noted the lack of legislation for the protection of the rights of lesbian, gay, bisexual, transgender and intersex persons, including to prohibit discrimination based on sexual orientation and gender identity.¹²²

6. Migrants, refugees and asylum-seekers

81. The United Nations country team recommended that the country adopt the national plan for labour migration and redouble efforts to address all forms of discrimination, including against migrants and their descendants.¹²³

82. The Committee against Torture noted reports of mass deportations, including refoulement at the border without due respect for procedural safeguards.¹²⁴

83. Several special procedure mandate holders noted that at the end of September 2021, the National Migration Council had reportedly announced a ban on the entry into the country of foreign women in an irregular situation who were more than six months pregnant, and

stipulated that foreigners in an irregular situation could only be treated in public hospitals in cases of emergency.¹²⁵ A number of mandate holders asserted that such a ban could lead migrant women to use irregular migration routes, increasing their situations of vulnerability to smuggling networks and criminal enterprises and, in turn, heightening their risk of becoming victims of human rights violations and abuses.¹²⁶

84. The same mandate holders expressed concern about the alleged mass arrests and deportations of pregnant and breastfeeding Haitian women in an irregular situation by the General Directorate of Migration since November 2021 from various public hospitals.¹²⁷ In some cases, officials had reportedly denied access to antenatal care and health services to pregnant Haitian women, and in others had resorted to abuse and violence, including sexual and gender-based violence.¹²⁸ Some of the women had been reportedly immediately deported and others had been transferred to overcrowded and unsanitary detention centres before being deported. The deportations had allegedly taken place without due process and had separated families. Some deportees allegedly had valid documents or had been born in the Dominican Republic.¹²⁹ The Committee on the Elimination of Discrimination against Women expressed deep concern about the mass deportations of Haitian persons and people of Haitian descent, particularly pregnant and postpartum women, and about reports of gender-based violence and discrimination against them, as well as their separation from their children born and raised in the Dominican Republic.¹³⁰

85. Mandate holders urged the Government to halt deportations of pregnant and postpartum Haitian women, and end ill-treatment, detention in overcrowded and unsanitary facilities, separation of children from their families, warrantless searches and racial profiling of Haitian migrant women; and provide pregnant and postpartum Haitian women with medical care.¹³¹

86. Mandate holders also called upon the Dominican Republic to protect migrants without discrimination and regardless of their situation and status; provide migrants with due process of law; carry out return procedures in accordance with international law, considering the best interests of the child in return decisions; and ensure that all migrants, regardless of their migration status, had access to essential services without fear of arrest and deportation, or other sanctions as a result of their migration status.¹³²

87. The Committee on the Rights of the Child expressed extreme concern at the tightening of discriminatory migratory policies and the introduction of practices that violated the human rights of migrants and their descendants born on Dominican territory; the reports of deportations of unaccompanied children; and the vulnerability of the large number of unaccompanied migrant children from Haiti. It urged the Dominican Republic, with immediate effect, to halt the detention, deportation and arbitrary expulsion of Haitian migrant children, paying particular attention to unaccompanied children, ensuring that public authorities fully complied with the principle of the best interests of the child in order to prevent family separation.¹³³

88. The Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic review its nationality legislation and the General Migration Act of 2004 to eliminate discriminatory provisions and ensure that every child born in the Dominican Republic to a Dominican man and a woman who was not a Dominican national, including a woman of Haitian origin, was entitled to Dominican nationality. It also recommended issuing permanent residence permits to Haitian women whose children had been born and raised in the country, so as to uphold their right to family life in accordance with international conventions and standards.¹³⁴

89. The United Nations country team recommended adopting an asylum law, in line with the Convention relating to the Status of Refugees, and strengthening the refugee protection system, through the National Office for Refugees.¹³⁵

7. Stateless persons

90. The Committee on the Elimination of Discrimination against Women expressed concern at the impact of the 2014 denationalization process that had affected thousands of women and men, including Haitian workers recruited through special labour contracts and

arrangements, and noted with concern the continuing adverse effects of Constitutional Court ruling No. 168-13 in that regard.¹³⁶

91. The same Committee recommended that the Dominican Republic revise articles 3 and 4 of the Naturalization Act (1948), and the General Migration Act (2004) to eliminate discriminatory provisions;¹³⁷ remove all barriers, in law and in practice, to registering descendants of Dominican men and women, who were non-nationals or affected by Constitutional Court ruling No. 168-13, in the ordinary birth register for Dominicans, and ensure that they had access to the Dominican nationality regardless of the nationality or migration status of the mother;¹³⁸ and amend Law No. 659 on Records of Civil Status to extend the deadlines for the timely registration of births to 180 days, and cover the costs related to required DNA tests to ensure that all children born in the country were registered in the ordinary birth register for Dominicans.¹³⁹

92. The United Nations country team recommended that the Dominican Republic continue the expeditious implementation of Law 169-14 and guarantee that documents proving nationality to the beneficiaries of decrees 262-20 and 297-21 on naturalization were promptly delivered.¹⁴⁰

93. The Committee on the Elimination of Discrimination against Women noted with concern the obstacles faced in registering the birth of children born to a Dominican father and a woman who was a non-national, of Haitian origin and undocumented, or in an irregular migration situation. It noted that in 2020, there had been a 62 per cent decrease in the number of births registered.¹⁴¹ The Committee on the Rights of the Child expressed concern at the thousands of Dominican-born children of Haitian descent who continued to have irregular status and no State-issued documentation proving their legal identity and/or nationality.¹⁴²

94. The two aforementioned committees recommended that the Dominican Republic ensure that every child had the right to a nationality.¹⁴³ The Committee on the Rights of the Child recommended that the country continue its efforts to ensure that all children born on its territory were registered immediately and issued, free of charge, with an official birth certificate.¹⁴⁴ The Committee on the Elimination of Discrimination against Women recommended that the Dominican Republic take steps to ensure that any child born in the country from a woman who was not a Dominican national, including a woman of Haitian origin, not be made stateless.¹⁴⁵

Notes

- 1 [A/HRC/41/16](#), [A/HRC/41/16/Add.1](#) and [A/HRC/41/2](#).
- 2 [CEDAW/C/DOM/CO/8](#), para. 53; and [CRC/C/DOM/CO/6](#), para. 45.
- 3 [CRC/C/DOM/CO/6](#), para. 22 (g).
- 4 United Nations country team submission for the universal periodic review of the Dominican Republic, para. 9.
- 5 *Ibid.*, para. 38.
- 6 [A/HRC/54/26/Add.3](#), para. 68.
- 7 See communication DOM 1/2019, p. 2. All communications mentioned in the present report, and any government replies thereto, are available from <https://spcommreports.ohchr.org/TmSearch/TMDocuments>.
- 8 United Nations country team submission, para. 3.
- 9 [CEDAW/C/DOM/CO/8](#), para. 18. See also [CAT/C/DOM/QPR/1](#), para. 6.
- 10 [A/HRC/54/26/Add.3](#), para. 95.
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- 12 United Nations country team submission, para. 2.
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- 16 United Nations country team submission, para. 15.
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- 25 *Ibid.*, paras. 23 and 27.
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- 30 UNESCO submission for the universal periodic review of the Dominican Republic, paras. 31 and 32. See also United Nations country team submission, para. 66 (iv); and [CAT/C/DOM/QPR/1](#), para. 34.
- 31 UNESCO submission, para. 29. See also United Nations country team submission, para. 66 (i).
- 32 UNESCO submission, para. 30. See also United Nations country team submission, para. 66 (ii).
- 33 United Nations country team submission, para. 56.
- 34 ILO, *Application of International Labour Standards 2023: Report of the Committee of Experts on the Application of Conventions and Recommendations* (2023), p. 459. See also [CRC/C/DOM/CO/6](#), paras. 27 (b) and (c) and 42.
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- 39 [CRC/C/DOM/CO/6](#), para. 28 (b).
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- 41 United Nations country team submission, para. 24.
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- 43 United Nations country team submission, paras. 11 (ii) and 25 (i) and (ii). See also [CEDAW/C/DOM/CO/8](#), para. 23 (a); and [CRC/C/DOM/CO/6](#), paras. 28 (c) and 39 (f).
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- 61 United Nations country team submission, para. 29.
- 62 *Ibid.*, para. 33 (ii) and (iv).
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- 69 [CEDAW/C/DOM/CO/8](#), para. 36 (c).
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- 74 [CEDAW/C/DOM/CO/8](#), paras. 37 (e) and 38(a). See also United Nations country team submission, para. 32 (i); and [CRC/C/DOM/CO/6](#), para. 18 (b).
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- 77 UNESCO submission, para. 28 (i), (iv) and (v).
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- 87 [CCPR/C/DOM/FCO/6](#), para. 25. See also [CEDAW/C/DOM/CO/8](#), para. 15.
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- 91 *Ibid.*, para. 21.
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- 93 [A/HRC/54/26/Add.3](#), para. 80.
- 94 United Nations country team submission, paras. 13, 20 and 44 (i), (iv), (v) and (vi). See also [CEDAW/C/DOM/CO/8](#), para. 21; and [CCPR/C/DOM/FCO/6](#), para. 11.
- 95 [CRC/C/DOM/CO/6](#), para. 8 (b) and (c).
- 96 United Nations country team submission, para. 12.
- 97 [CRC/C/DOM/CO/6](#), para. 19 (a).
- 98 [CEDAW/C/DOM/CO/8](#), para. 19. See also [CRC/C/DOM/CO/6](#), paras. 3 and 29; and [CCPR/C/DOM/FCO/6](#), para. 24.
- 99 [CRC/C/DOM/CO/6](#), para. 29. See also United Nations country team submission, para. 33 (i).
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- 101 United Nations country team submission, para. 40.
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- 104 *Ibid.*, para. 11 (i).
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- 106 ILO, *Application of International Labour Standards 2023*, p. 458.
- 107 United Nations country team submission, para. 26.
- 108 [CRC/C/DOM/CO/6](#), paras. 25 (a) and 26 (a). See also [CAT/C/DOM/QPR/1](#), para. 38.
- 109 [CRC/C/DOM/CO/6](#), paras. 27 (b) and 28 (a) and (b).
- 110 United Nations country team submission, para. 45.
- 111 [CRC/C/DOM/CO/6](#), para. 13(a), (b) and (c).
- 112 *Ibid.*, para. 30 (d).
- 113 *Ibid.*, para. 41.
- 114 [A/HRC/54/26/Add.3](#), paras. 63 and 64.
- 115 *Ibid.*, paras. 68, 69 and 80.
- 116 *Ibid.*, paras. 73 and 76.
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- 122 United Nations country team submission, para. 8.
- 123 *Ibid.*, para. 19.
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- 127 *Ibid.*, p. 1. See also DOM 1/2023, p. 1; and [CEDAW/C/DOM/CO/8](#), para. 11.
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- 129 See communications DOM 1/2023, p. 3, DOM 2/2021, p. 1, and the State's replies thereto; and [CEDAW/C/DOM/CO/8](#), para. 11.
- 130 [CEDAW/C/DOM/CO/8](#), para. 11.

- ¹³¹ See communication DOM 1/2023, pp. 5 and 6.
¹³² See communication DOM 2/2021, pp. 3–5.
¹³³ [CRC/C/DOM/CO/6](#), paras. 38 and 39 (a).
¹³⁴ [CEDAW/C/DOM/CO/8](#), paras. 12 and 30 (a).
¹³⁵ United Nations country team submission, para. 9 (ii) and (iii).
¹³⁶ [CEDAW/C/DOM/CO/8](#), para. 29.
¹³⁷ *Ibid.*, para. 30 (a).
¹³⁸ *Ibid.*, para. 30 (d).
¹³⁹ *Ibid.*, para. 30 (a), (d) and (e).
¹⁴⁰ United Nations country team submission, para. 21.
¹⁴¹ [CEDAW/C/DOM/CO/8](#), para. 29.
¹⁴² [CRC/C/DOM/CO/6](#), para. 21 (a).
¹⁴³ *Ibid.*, para. 22 (c) and [CEDAW/C/DOM/CO/8](#), para. 30 (a).
¹⁴⁴ [CRC/C/DOM/CO/6](#), para. 20 (a).
¹⁴⁵ [CEDAW/C/DOM/CO/8](#), para. 30 (b).
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