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促进和保护所有人权——公民权利、政治权利、
经济、社会及文化权利，包括发展权

对多米尼加共和国的访问

危险物质及废物的无害环境管理和处置对人权的影响问题特别报告员
马科斯·奥雷利亚纳的报告**

概要

危险物质及废物的无害环境管理和处置对人权的影响问题特别报告员马科斯·奥雷利亚纳于2025年5月13日至22日对多米尼加共和国进行了访问。在本报告中，他向该国政府、国际社会和该国的发展伙伴介绍了他的调查结果和建议。

特别报告员讨论了一些重要问题，包括获取信息和公众参与环境事务、空气和水的质量、塑料污染、有害农药的使用、垃圾填埋场和废物堆放场的管理以及与该国 Pueblo Viejo 金矿和 Punta Catalina 热电厂有关的风险。

多米尼加共和国在有毒物质方面面临严重挑战，包括官方宣布的废物问题紧急状态，对社区和环境构成了威胁。与此同时，特别报告员观察到解决废物和有毒污染的根源问题和影响的势头。他鼓励多米尼加共和国抓住这一势头，使其环境治理与其国际人权义务相一致。

* 因需要与会员国磋商，本报告逾期提交会议服务部门处理。

** 本报告概要以所有正式语文分发。报告正文附于概要之后，仅以提交语文和西班牙文分发。



附件

危险物质及废物的无害环境管理和处置对人权的影响问题 特别报告员马科斯·奥雷利亚纳关于访问多米尼加共和国的 报告

I. Introduction

1. Pursuant to Human Rights Council resolution 54/10, the Special Rapporteur on the implications for human rights on the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana, conducted a country visit to the Dominican Republic from 13 to 22 May 2025. The objective of the visit was to identify good practices and assess the country's efforts to address the negative impacts of toxic substances on human rights, in particular considering the specific challenges faced by the small island developing State.

2. The Special Rapporteur would like to express his sincere gratitude to the Government of the Dominican Republic for its invitation and the support it provided.

3. The Special Rapporteur had the privilege of meeting with the Minister of the Environment and Natural Resources, the Deputy Minister of Climate Change and Sustainability, the Minister of Energy and Mines, the Deputy Minister of Innovation and Energy Transition, the Deputy Minister of Health Sector Capacity-Building and Development, the Deputy Minister of Multilateral Foreign Policy, the Deputy Minister of Social Development of the Office of the President, the Deputy Minister of Agricultural Extension Services and Training and representatives of the executive, legislative and judicial branches and the National Institute for Drinking Water and Sewerage.

4. The Special Rapporteur also held meetings with representatives from the United Nations country team and civil society, community members, private sector actors and academics. He expresses his sincere thanks for their valuable engagement.

5. The Special Rapporteur visited various locations, including the Provinces of Sánchez Ramírez, Peravia and Duarte, and toured the Punta Catalina Thermoelectric Plant. He expresses his gratitude to everyone who took the time to share their stories and testimonies with him.

II. General context

6. As a small island developing State, the Dominican Republic faces significant risks and impacts associated with pollution, which are exacerbated by climate change. The country has suffered from an increase in the frequency of extreme weather events, such as tropical cyclones and low-pressure systems, or troughs. These events, in turn, lead to flooding that further complicates ecologically sound waste management. Large quantities of plastics and other pollutants and waste inevitably ends up in rivers, which then transport them to the sea.

7. The Dominican Republic is one of the fastest-growing economies in the region and is seeking to double its gross domestic product by 2036 through its national development plan.¹ The country receives support from international and regional cooperation organizations and programmes, including the Global Environment Facility ISLANDS programme in respect of polychlorinated biphenyls (PCBs), highly hazardous pesticides, mercury and reducing plastic pollution.

8. According to the latest population census, in 2022, the population of the Dominican Republic is nearly 11 million people. The increasing population also increases the need for

¹ Presidential decree No. 337-24 of 18 June 2024.

access to drinking water, sanitation and other essential services. In 2022, only 72.4 per cent of households had running water available in their homes. According to information provided to the Special Rapporteur by the National Institute for Drinking Water and Sewerage, only 20 per cent of the population live in homes connected to the public sewerage system.

9. The agricultural sector serves as a key economic pillar for the country, employing nearly a third of the population and supplying food for both the local market and export.

10. The plastics industry comprises over 472 plastics manufacturing companies, which play an important role in employment and the national economy. With innovation in the design of its products, including the phasing out of hazardous chemicals and polluting materials, this sector could help the country to advance towards a chemically safe circular economy.

11. The Dominican Republic has ratified most international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Furthermore, the country is a party to major multilateral environmental agreements concerning chemicals and waste, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury.

III. Environmental governance

12. Access to information, public participation and accountability are foundational principles of environmental governance and a human rights-based approach. In the Dominican Republic, they are gaining significance amid growing public awareness of environmental rights, in parallel with increasing environmental challenges, which in some cases stem from mining, energy generation and waste management. Strengthening the implementation of these principles, through regional and global cooperation, is critical for sustainable development.

A. Multilateral environmental agreements

1. Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)

13. The Special Rapporteur wishes to highlight the significant leadership role assumed by the Dominican Republic in negotiating the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), which was adopted in 2018. Notably, the fourth meeting of the Agreement's negotiating committee, held in Santo Domingo in August 2016 and chaired by the Dominican Republic, is remembered as one of the meetings at which the most progress was achieved in the negotiation process. The Escazú Agreement is a vital instrument in the region for promoting sustainable development and ensuring the right to a healthy environment.

14. Despite the country's leadership and its contribution to the Escazú Agreement, in January 2023, the Constitutional Court of the Dominican Republic declared it unconstitutional on the basis of national legal sovereignty over environmental adjudication and protection of the State's environmental information.² However, the analysis conducted by the Court was rooted in fundamental errors at the core of its legal reasoning, which have elicited scrutiny and critique from across the region.

15. The Court noted that the Escazú Agreement would require the State Party to disclose certain environmental information that Dominican law currently considers confidential

² Case No. TC-02-2020-0005, Judgment, 25 January 2023.

(paras. 7.10 and 7.12 of the judgment). However, the Escazú Agreement does not establish such an obligation. Instead, it is explicitly stated, in its article 5 (6), that: “Access to information may be refused in accordance with domestic legislation.” In other words, there is a clear error at the heart of the Court’s reading of the Escazú Agreement.

16. Furthermore, the Court stated that, in the event of a dispute in interpreting or applying the agreement, the Dominican Republic would be obliged to recognize international jurisdiction to resolve the conflict (para. 7.14 of the judgment). This assertion is also clearly incorrect because the Escazú Agreement, in its article 19, on the settlement of disputes, does not stipulate the obligation of the Parties to submit to compulsory international jurisdiction. Instead, it follows the model used in many international treaties, which provides the Parties with a range of options to resolve any dispute.

17. These clear errors are at the basis of the Court’s analysis, and they extend beyond a simple difference of interpretation or assessment. Accordingly, the fundamental errors give rise to the need for the Court to review its decision.

2. **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

18. Multilateral environmental agreements also serve as vital instruments to guide States in implementing legally grounded frameworks of accountability that advance the realization of environmental protection objectives. For such mechanisms to function effectively, they must be grounded in appropriate and proportionate sanctions that reflect, in civil, criminal and administrative proceedings, the seriousness of illegal acts. In parallel, international human rights law – coexisting with the obligations arising from multilateral environmental agreements – obliges States to adopt appropriate measures to prevent, investigate, punish and remedy abuses through policies, laws, regulations and adjudication. The measures must be fit for purpose and capable of ensuring accountability.

19. The Dominican Republic has yet to explicitly criminalize trafficking in hazardous waste to meet its obligations under the Basel Convention. In this regard, general customs legislation may be insufficient. The “Rock Ash case”, described below, exemplifies the repercussions of the State’s non-adherence to those obligations, as serious penalties were not imposed despite widespread harm to the environment and public health in the Dominican Republic.

20. Between 2003 and 2004, unscrupulous operators dumped at least 50,000 tons of hazardous waste in Samaná and Monte Cristi.³ The Special Rapporteur received information about babies being born with deformities and about miscarriages and other severe impacts being suffered as a result of the rock ash dumping. These effects indicate a severe violation of the human rights of the population.

21. In the Rock Ash case, those responsible for the dumping were convicted of environmental offences under the Act on the Environment, which is still in force. The Act, however, provides for low penalties that do not adequately reflect the seriousness of the violations or serve as an effective deterrent. Dominican criminal legislation provides for three categories of offences (*crímenes*, *delitos* and *infracciones*). Environmental offences are classified as *delitos*, thus punishable by low penalties. In addition, the sanctions are set out in multiple laws,⁴ which results in an inconsistent system.

22. As the Basel Convention amendments on plastic waste can be technically and legislatively challenging to apply, the country may face difficulties with their implementation (see para. 85 below).

23. The Special Rapporteur learned of exports of the country’s spent lead acid batteries, which are considered hazardous waste and whose transboundary movements are thus subject

³ Supreme Court of the Dominican Republic, Second Chamber, *INSAPROMA and others v. H.R.L.H.*, Ruling No. 11, 16 April 2008.

⁴ Sanctions are set out in the following environmental laws: Act No. 64-00 on the Environment and Natural Resources; General Act No. 225-20 on the Comprehensive Management and Co-processing of Solid Waste; Act No. 202-04 on Protected Areas; and technical environmental norms.

to the Basel Convention. Where domestic capacities are not available for their environmentally sound management, their export to countries with such capacities can help avoid the adverse effects of unsound recycling.

3. Stockholm Convention on Persistent Organic Pollutants

24. Despite a project conducted in 2024 on national reporting under the Stockholm Convention, the Special Rapporteur notes gaps in the reports of the Dominican Republic under article 15 of the Convention, on its implementation of the Convention. National implementation reporting is a key requirement to track progress in the elimination and control of harmful chemicals, including updates on regulatory measures, monitoring systems and disposal practices. Lack of compliance with article 15 hinders assessment of the implementation of the Convention and associated environmental and health risks.

B. Access to information

25. Access to information concerning environmental issues in the Dominican Republic remains limited. Much of the population lacks clear, accessible and timely information about the environmental impacts of development projects, the quality of water and air and the risks associated with pollution. This lack of information restricts communities' ability to participate meaningfully in decision-making processes that affect their environment and health and hinders their ability to enjoy their environmental rights.

26. The Dominican Republic has made progress on access to information, in particular with the establishment of the National Environmental and Natural Resources Information System, which is the centralized portal for environmental information.⁵ However, the portal and its databases are not regularly supplied with detailed and up-to-date information. Consequently, access to critical environmental information, including disaggregated data, is largely available only through information requests.

27. In his conversations with various stakeholders, the Special Rapporteur highlighted that the country should establish a pollutant emissions and transfer registry. Such a registry would be a crucial tool for effective environmental governance, as it would provide the Government, civil society and businesses with essential environmental information on emissions and waste generation. Such information is vital for developing effective environmental policies and ensuring robust accountability regimes.⁶

28. As the Government already has information regarding compliance with environmental authorizations and licences, creating an Internet portal to make information on emissions and waste generation available to the public would be a small but essential step.

29. Lastly, Act No. 64-00 on the Environment and Natural Resources, by which the Ministry of the Environment and Natural Resources was created, does not provide for mechanisms that allow access to environmental information held by private actors, such as commercial companies. In line with international standards, it is good practice for private entities to implement mechanisms for public information, consultation and awareness. In this sense, private entities should collaborate with non-governmental organizations or other entities that exercise a watchdog function towards polluters.⁷

C. Punta Catalina Thermoelectric Plant

30. The Special Rapporteur visited the Punta Catalina Thermoelectric Plant, accompanied by representatives of the Ministry of the Environment and Natural Resources, including its Environmental Management Division, the Ministry of Energy and Mines, the Ministry of the Office of the President and the Municipality of Nizao.

⁵ See <https://ambiente.gob.do/informacion-ambiental/>.

⁶ See A/HRC/57/52.

⁷ United Nations Environment Programme, *Putting Rio Principle 10 into Action: An Implementation Guide* (Nairobi, 2015), p. 24.

31. The plant has been in operation since 2020 and is operated by the Empresa de Generación Eléctrica Punta Catalina, a State-owned company. The plant is located in the Province of Peravia and comprises two 360-megawatt coal-based, power-generation units. The plant generates about 30 per cent of the electricity of the country. At present, most of the coal is imported from El Cerrejón Mine in Colombia.⁸

32. Like other coal-fired power plants, the Punta Catalina Thermoelectric Plant generates and emits substances hazardous to human health, including mercury, sulphur and nitrogen oxides and particulates of heavy metals (PM₁₀ and PM_{2.5}), in addition to greenhouse gases. The Special Rapporteur was informed that the plant had implemented pollution control systems that reduced those emissions to levels that complied with the environmental standards of the country. The plant also generates significant amounts of coal ash. In this regard, converting the plant to use natural gas or renewable sources of energy in a gradual manner would significantly lower levels of pollutant emissions and waste generation compared with those generated by coal combustion, or would eliminate them altogether.

33. During his visit to the plant, the Special Rapporteur learned about its air pollution control systems, measures for environmentally safe coal storage and external audits of the plant's emissions. He also had the chance to explore the transparency portal available on the plant's website and review several recent emissions monitoring reports, which showed the plant's compliance with national regulations.

34. The Special Rapporteur received testimonies from communities living near the facility about the impact that they had suffered as a result of the coal-fired thermoelectric plant. In the five years following the start of its operations, communities in the surrounding areas have reported a high incidence of unexplained deaths and a marked increase in cancers, including among younger people who were otherwise in good health, and of children dying from pneumonia. The community members also pointed to high rates of non-cancer contamination-associated illnesses, notably in the lungs and kidneys. The testimonies portrayed a high positive correlation between areas of extensive emissions and coal ash-related contamination and the development of serious medical issues. At the same time, the Government provided information on studies carried out by the Ministry of Public Health and Social Assistance, in which any causal connection between reported health conditions and the plant's operations are questioned.

35. One community member stated that, before the start of the plant's operations, most deaths had been the result of traffic accidents; in the years following its establishment, cancer, cardiovascular and respiratory-related diseases had become the leading causes of death. Allergies have reportedly increased two- or even threefold, according to community members.

36. Farmers told the Special Rapporteur that their crops had dramatically decreased in yield and quality as a result of the operation of the plant. Similarly, fishers stated that there were very few fish left in the areas of the sea where they had historically fished. Communities reported the physical destruction of the coastline and the collapse of a coastal road, as well as the consequent loss of income from tourism, which had largely disappeared in the area.

37. In 2022, a community impact study in the Province of Peravia contained serious claims about the impact of the pollution of the plant on environmental, health and human harm. The study was approved by the Government and involved the Ministry of the Environment and Natural Resources, until the Ministry withdrew its participation. Civil society organizations, with the support of an interdisciplinary team of experts and international academic institutions, continued the research independently.⁹ The study was mentioned in a 2023 letter from seven special procedure mandate holders, in which they expressed their concerns about the impact of the Punta Catalina Thermoelectric Plant on human rights. In its response, the Government refuted the study and its methodology by referring to a report of the Institute of Energy of the Autonomous University of Santo

⁸ See communication COL 7/2020. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁹ See <https://uasd.edu.do/wp-content/uploads/Informe-Final-Contaminacion-en-la-CTPC-21-05-22-Con-observaciones-IEUASD.pdf>.

Domingo.¹⁰ Nevertheless, testimonies received by the Special Rapporteur seemed to echo the 2022 community impact study's findings.

38. According to such testimonies, the water is contaminated with coal ash, and a study found heavy metals such as boron, barium, thallium, molybdenum, arsenic, selenium, lithium, lead, rubidium, strontium and calcium in ash deposits from the Punta Catalina Thermoelectric Plant.¹¹ About 200,000 tons of coal ash are generated annually by the plant's operations.¹² The Special Rapporteur was also informed about the report of the Institute of Energy of the Autonomous University of Santo Domingo, which pointed to levels of pollutants within the range authorized under national legislation.

39. Human rights groups claim that gaseous and particulate pollution from the Punta Catalina Thermoelectric Plant's open-air ash deposits has already reached neighbouring countries. The claims give rise to transboundary environmental and health questions.

40. The experiences described by certain communities suggest that the people living around the plant, whose livelihoods depend on agriculture, fishing and tourism, were not thoroughly consulted, nor were their views properly considered, prior to the construction of the plant. In this regard, the measures taken by the Government may not have been sufficient to comply with its duty of due diligence, in particular regarding the level of engagement, information and participation needed to meet international standards on sustainable development.

41. It seems that some limited consultations between the Punta Catalina consortium and local communities were held during the initial planning and construction phases of the plant. However, the company's compliance with its consultative obligations does not replace or serve as a substitute for the State's obligation to guarantee public participation in environmental decision-making processes. Moreover, environmental impact assessments, together with public consultations, are procedures that should be carried out continuously throughout the lifetime of a company.

42. According to available information, the plant's consortium has started to sell the coal ash byproduct to companies for use in cement manufacturing. The Special Rapporteur emphasizes that the consortium's human rights due diligence obligations require it to conduct prior technical studies on the safe usage of the coal ash and to implement stringent measures to manage these materials in a way that protects human health and the environment.

43. During the visit, some interlocutors raised concerns about private sector project-related corruption. A prominent example concerned Odebrecht, one of the consortium members selected to build the Punta Catalina Thermoelectric Plant. The Special Rapporteur received information about alleged corruption and overpayments exceeding \$1 billion during the plant's construction process. A financial audit has reportedly been conducted by the Audit Chamber, but it has not been released to the public. A thorough investigation into the allegations of corruption has not been carried out and documents of public interest held by government entities have not been released. The Special Rapporteur emphasizes that unhindered access to information about corruption and any other information relating to hazardous substances is essential to prevent risks, mitigate harms, conduct focused research on safer alternatives, provide treatment and remedy and ensure transparency, participation and consent in decision- and policymaking.¹³

¹⁰ See communication DOM 2/2023 and response.

¹¹ Zhen Wang and Avner Vengosh, "Occurrence of metals and leaching characteristics of coal ash from Punta Catalina in Dominican Republic" (Nicholas School of the Environment, Duke University, United States of America, 2021), p. 10. Available at https://sites.nicholas.duke.edu/avnervengosh/files/2021/03/Report_Leaching-of-DO-coal-ash.pdf.

¹² See <https://uasd.edu.do/wp-content/uploads/Informe-Final-Contaminacion-en-la-CTPC-21-05-22-Con-observaciones-IEUASD.pdf>.

¹³ A/HRC/30/40, para. 7.

D. Pueblo Viejo gold mine

44. The Pueblo Viejo gold mine, situated in Sánchez Ramírez Province, is a joint venture in which the Barrick Mining Corporation holds 60 per cent ownership (and is the operator) and the Newmont Corporation holds the remaining 40 per cent. With first production in 2012, it is one of the largest gold mines in Latin America and the sixth largest in the world. According to available information, the Pueblo Viejo mine is one of the largest single contributors to the country's economy. For example, in 2022, the mine contributed 1.7 per cent to the country's gross domestic product.¹⁴

45. The Special Rapporteur had the opportunity to meet with representatives of the Barrick Mining Corporation and proposed visiting the site; unfortunately, the visit did not take place. Nevertheless, he received some illuminating responses to his questions.

46. The mine features a tailings dam, El Llagal, which stores mining waste and has a capacity exceeding 200 million tons. According to the information received, the communities living downstream from the tailings dam, many of whom have lived in the area for generations, are in fear that the structure could collapse. The consequences of a dam failure at El Llagal are "extreme", according to the Global Tailings Portal, which provides information on the global distribution and risk of mine tailings storage facilities on the basis of disclosures from companies. This classification means that a failure could expect to lead to at least 100 fatalities, high economic losses and major environmental harm or deterioration to the extent that restoration or compensation in kind would not be possible.¹⁵ Some communities live just hundreds of metres from the dam wall.

47. Furthermore, residents downstream of the dam claim that it has dried up streams and contaminated the water on which they depend for drinking, hygiene and recreation, as well as for their crops and livestock. The Special Rapporteur received reports that livestock had died due to toxic rain; however, the Ministry of Agriculture claimed that the livestock deaths were a result of vaccines given to the animals. According to some interlocutors, fruit, such as mangoes, plantains, oranges and cacao, was rotting on the plant before it became ripe. That had forced residents to purchase food that they once grew themselves. The communities indicated that, since 2011, the company, and then the Government, had provided them with 15 gallons of bottled water twice weekly (on Mondays and Thursdays).

48. Community members also asserted that the contamination had affected their health and had caused illnesses including kidney and respiratory diseases, cancer and rashes. According to investigations by a journalist, high levels of cyanide and heavy metals were found in the urine and blood of some inhabitants of the towns of La Laguna, El Naranjo, La Piñita and La Cerca.¹⁶ Some community members complained that they were unable to sleep due to high noise levels. The Special Rapporteur saw cracks in the walls of homes surrounding the mine, which the residents asserted were a result of the mine's operations. Community members also reported stress and the negative effect on their mental health of the continuing and planned mining operations. The Special Rapporteur would like to reiterate the precautionary principle recognized in international law and the environmental law of the Dominican Republic, according to which the lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

49. For its part, the company has released reports from external auditors, specifically from the Santo Domingo Institute of Technology, which have concluded that the mining operation complies with all applicable domestic water quality standards. However, upon review of the documents provided to the Special Rapporteur, the level of lead in the water – 0.104 mg/L – was notably above the maximum allowable limit for public supply (class A) for the Dominican Republic, which is set at 0.05 mg/L.¹⁷ Further, the World Health Organization

¹⁴ See <https://camiperd.org/inversion-de-barrick-en-rd-es-de-us6400-mm-minera-genera-el-1-7-del-pib-y-2768-empleos/>.

¹⁵ Global Tailings Portal, Dashboard: Tailing Storage Facility. Available at <https://tailing.grida.no/map/data/> (accessed on 28 August 2025).

¹⁶ Dominican Today, "People near gold mines test positive for cyanide", 23 September 2014.

¹⁷ Dominican Republic, Environmental Standard for Surface and Coastal Water Quality, September 2012, p. 10.

(WHO) establishes a reference value of 0.01 mg/L for lead and recommends that concentrations should be maintained as low as reasonably practical. High levels of lead in the water generate serious health concerns, as lead exposure is associated with a wide range of health issues, including various neurodevelopmental effects and cardiovascular diseases.¹⁸

50. During the visit, the resettlement process for residents of the communities of La Laguna, La Cerca, La Piñita, and El Naranjo – all downstream from the dam – was unfinished, although the Special Rapporteur noted that there had been a promising convergence of the parties' economic differences.

51. Following his visit, the Special Rapporteur was pleased to learn that the Government, the Barrick Mining Corporation and the affected communities had reached an agreement for resettlement.¹⁹ The participation of the affected communities in the negotiations was a critical aspect of the business enterprise's human rights due diligence.²⁰

52. Another highly controversial issue related to the Pueblo Viejo gold mine is the approval by the Ministry of the Environment and Natural Resources of the construction and operation of a second tailings dam known as El Naranjo. According to the information received, this dam would be one of the largest in the world, with a height of 157 metres, a length of 4 kilometres and a storage capacity of approximately 340 million cubic metres.

53. The Special Rapporteur was informed that members of affected communities had attempted to prevent the passage of heavy machinery belonging to the company that would be used in the construction of the new dam. He received testimonies of law enforcement officers using tear gas and shooting pellets to open roads for traffic in the face of protests and blocking of roads. He heard testimonies that a priest who had been mediating between communities threatened by displacement and eviction authorities had been injured. The Special Rapporteur points out to the Dominican authorities that peaceful assemblies can in some cases be inherently or deliberately disruptive but that a significant degree of toleration is still required under international standards.²¹ He also underscores the importance of the peaceful character of assemblies and protests.

54. According to an independent study received by the Special Rapporteur, the environmental impact assessment for the proposed El Naranjo tailings dam does not provide enough information on the potential impacts of a dam failure, including fatalities, damage to infrastructure and agricultural consequences. In this regard, it is stated that, in the event of a failure, tailings would flow 110 kilometres to the sea and reach Samaná Bay in approximately five hours.²²

55. If the two dams, which would be only 1 kilometre apart, were to fail simultaneously, for instance due to an extreme weather event, the magnitude of the risks would increase exponentially. Those scenarios would have serious implications for the State's capacity, under international human rights law, to discharge its obligations to respect, protect and fulfil the rights of the people in the affected areas, most gravely their right to life, alongside their right to a healthy environment, among other core rights.

¹⁸ WHO, *Guidelines for Drinking-Water Quality*, 4th ed. (Geneva, 2022), pp. 416 and 417.

¹⁹ Dominican Republic, Ministry of Energy and Mines, "Gobierno, comunitarios y Barrick Pueblo Viejo llegan a acuerdo reasentamiento construcción presa de colas", 11 June 2025. Available at <https://mem.gob.do/gobierno-comunitarios-y-barrick-pueblo-viejo-llegan-a-acuerdo-reasentamiento-construccion-presa-de-colas/>.

²⁰ Guiding Principles on Business and Human Rights, principles 17–19. See also framework principles on human rights and the environment, principles 9 and 12.

²¹ Human Rights Committee, general comment No. 37 (2020) on the right of peaceful assembly, para. 44.

²² Steven H. Emerman, *Review of the Environmental Impact Study for a New Facility for Co-Disposal of Tailings and Waste Rock at the Barrick Gold Pueblo Viejo Mine, Dominican Republic* (Espacio Nacional por la Transparencia en las Industrias Extractivas and Observatorio Dominicano de Políticas Públicas, August 2023). Available at https://miningwatch.ca/sites/default/files/EIS_SteveEmerman_PuebloViejo_2023.pdf.

56. While reviewing the environmental impact assessment,²³ the Special Rapporteur noted that certain key parts had not been translated into Spanish, in particular a section that denoted risk. Another section was not published at all. This hinders communities' access to information and their ability to participate in environmental decision-making.

57. Concerns were expressed about the design of the tailings dam in El Naranjo, which would not allow for the open pit to be backfilled with tailings and waste rock to diminish the risk of dam failure. The company confirmed to the Special Rapporteur that the chosen design hinged on the still-active nature of the mine shafts but that, once mining was complete, the operators planned to include the remanagement of significant amounts of waste rock back into the open pit.

58. The tailings dam would exist indefinitely and require an ongoing management plan. In this regard, the Special Rapporteur notes that the Ministry of Mines and Energy has recently presented an initiative to reform the Mining Act.²⁴ It is essential that this initiative include provisions for the mandatory development of a tailings dam closure plan by mining companies.

59. In the context of the energy transition, rare earth mining has become an essential activity, although it is not without environmental and health risks. The current legislation does not contain specific provisions for the extraction of rare earths.

60. The National Institute of Hydraulic Resources is conducting a comprehensive review of the tailings dam design, involving national and international experts, before its construction is approved. This process was ongoing at the time of the visit. The Special Rapporteur was encouraged to hear that, as part of the review, those concerns would be addressed. This is also a critical moment – when all options are still open – to ensure the inclusion of communities in decision-making processes that may significantly affect their lives, livelihoods and environment.

61. Information provided to the Special Rapporteur indicates that the company's contract with the Government required a significant environmental remediation payment from them for legacy contamination within the development area. This agreement effectively limited the two companies' future liability for legacy contamination beyond that contractually defined scope.

62. Two *amparo* lawsuits were filed on 20 May 2025 by civil society organizations and six communities that could be affected by the construction of a new tailings dam by the Barrick Mining Corporation. The development of the "Instalación Naranjo" project is of particular concern, not only because of the deforestation and forced displacement that are expected to occur as a result of the project, but also because of the catastrophic risks and potential adverse impacts on humans and ecosystems that have been raised. Concerns also stem from alleged deficiencies in the environmental impact study, in particular the lack of sufficient technical studies. The Special Rapporteur will closely monitor developments in these judicial proceedings.

IV. Waste

63. The Dominican Republic faces substantial deficits in waste collection coverage, in particular in rural areas, which affects populations in vulnerable situations where basic infrastructure and services are inadequate or absent. The prevalence of open dumping and

²³ EIA – Nueva Facilidad De Co-Disposición de Relaves y Roca Estéril para la Mina Pueblo Viejo – Código 20416, annex B, p. 223 ff. Available at <https://ambiente.gob.do/viceministerios/viceministerio-gestion-ambiental/estudios-de-impacto-ambiental/#913-1078-eia-nueva-facilidad-de-co-disposicion-de-relaves-y-roca-esteril-para-la-mina-pueblo-viejo-codigo-20416>.

²⁴ Dominican Republic, "Ministro Joel Santos: proyecto de reforma a Ley Minera será presentado dentro de 60 a 90 días", 24 February 2025. Available at <https://www.presidencia.gob.do/noticias/ministro-joel-santos-proyecto-de-reforma-ley-minera-sera-presentado-dentro-de-60-90-dias>.

informal disposal practices of waste underscores the broader deficiencies in the country's management of solid waste.

64. Necessary infrastructure for recycling is lacking. The scarcity of data on waste generation, collection and recycling rates further complicates matters. Polyethylene terephthalate (PET) plastic is collected through formal and informal mechanisms and a new recycling plant is in operation. Some of this plastic is processed locally, while the rest is exported to international markets by private companies.

65. The Special Rapporteur was informed that foam reduction targets had not been met and that the deadline set out in the Waste Act for gradually reducing the use and production of foam had been extended.

66. An official declaration of a "waste emergency" by presidential decree the day after the end of the visit of the Special Rapporteur signals the critical urgency of the issue and another step in the Government's broader efforts to address this long-standing challenge.

67. General Act No. 225-20 on the Comprehensive Management and Co-Processing of Solid Waste and its implementing regulations²⁵ are essential advances in waste management. The Regulation for the Comprehensive Management of Waste Electrical and Electronic Equipment within the Framework of Extended Producer Responsibility of 2023 represents another step forward in implementing the Waste Act.

68. Extended producer responsibility obligates producers, importers and traders to be responsible for the entire life cycle of their products, including through take-back, recycling and final disposal. It encourages producers to design products that are easier to reuse, recycle or dispose of safely and prescribes that the costs of waste disposal (approximately \$3–\$4 per ton) and waste transportation (approximately \$24.5 per ton) should shift from the Government and taxpayers to producers and importers.²⁶

69. While extended producer responsibility can be found in the legislation, including the Waste Act, a number of elements hamper its implementation. The main obstacle to the proper implementation of extended producer responsibility in the Dominican Republic is the lack of adoption of regulations in this area. Article 62 of the Waste Act encompasses the following priority wastes under the extended producer responsibility regime: (a) lubricating oils; (b) cells and batteries; (c) pesticides; (d) tyres; (e) electrical and electronic equipment; (f) containers and packaging; and (g) foam. However, to date, only the Regulation for the Comprehensive Management of Waste Electrical and Electronic Equipment has been adopted. Moreover, a clear system for tracking producer compliance or penalizing non-compliance is lacking. Although much work remains to be done in the implementation of the extended producer responsibility regime, it is clear that progress is being made in the right direction.

70. The Territorial Planning, Land Use and Human Settlements Act 368-22 of 2022, which is aimed at establishing a regulatory framework at various political and administrative levels, also serves as a good example of territorial organization that considers environmental guidelines, risk management and sustainable development, among other factors.

71. The Waste Act establishes the Public-Private Trust for the Comprehensive Management of Solid Waste, which is responsible for funding the comprehensive management of solid waste, the operation of transfer stations, waste dumps and landfills and the closure of open-air landfills. It also creates a mandatory exceptional contribution, the amount of which varies according to the legal entity's income, intended to cover the financial expenses of operators. According to the information received, the contributions would amount to \$50 million per year. However, in various exchanges with government representatives, the Special Rapporteur was informed that, at the time of his visit, alternatives

²⁵ See <https://lmd.gob.do/transparencia/phocadownload/Planificacion/2022/Publicaciones/LEY%20Y%20REGLAMENTO%20LIGA%20MUNICIPAL%20DIGITAL.pdf>.

²⁶ Judith Wolf, *Situación Actual de Gestión de Residuos en República Dominicana* (Bonn, Germany, Deutsche Gesellschaft für Internationale Zusammenarbeit, 2018), p. 20. Available at <https://cambioclimatico.gob.do/phocadownload/Documentos/giz/Wolf,%20Judith%20-%20Informe%20Final,%20Estado%20GIRS%20Rep.Dom.%20Nov.%202018.pdf>.

were being sought to cover the costs of infrastructure projects, as the mandatory exceptional contribution would only cover expenses related to waste management.

A. Landfills and waste dumps

72. Landfills and waste dumps are one of the main environmental problems facing the country. According to a national study from 2021 conducted by the Ministry of the Environment and Natural Resources, 95 per cent of waste dumps are open air.²⁷ In 2023, with support from the Japan International Cooperation Agency, the Government started working on the National Disposal Site Management Plan 2023–2033. In its progress report 1 for phase 2 of the project, it identified 243 waste dumps and landfills. Of those, 160 must be closed and 83 can continue to operate.²⁸

73. The Government has made efforts to replace waste dumps that should be closed with sanitary landfills as another measure to implement the Waste Act. Sanitary landfills are lined, equipped with systems to collect leachate and maintained through daily compaction and covering of waste. The ongoing multisectoral dialogue, which involves local communities, mayors, the private sector and international cooperation to address the issue of landfills, is an excellent initiative.

74. The Duquesa Landfill, which receives approximately 50 per cent of the country's waste, illustrates the efforts to transition to sanitary landfills, supported by international cooperation. In this regard, the Special Rapporteur was informed that, since 2020, there had been no controlled burnings or uncontrolled fires at the landfill, which had contributed to better waste management and the prevention of air pollution.

75. The Special Rapporteur wishes to highlight the work of informal recyclers, often referred to as *buzos*, who live in poverty.²⁹ Through the informal economy, they contribute to sorting materials in the landfills, including metals, cardboard and plastics. The Special Rapporteur was pleased to learn that, within the framework of a just transition for the Duquesa Landfill, the Government was working on formalizing the *buzos* to improve their working conditions, including through the provision of protective equipment and social security.

76. At the time of the Special Rapporteur's visit, medical waste was often disposed of in landfills. The Ministry of Public Health and Social Assistance, under Act No. 368-22, had begun to address the inadequate management of hospital waste in public health centres. The National Strategic Health Plan 2030,³⁰ developed by the Ministry of Public Health and Social Assistance, contains an analysis of variables such as air quality, water and sanitation, environmental hygiene, chemical and hazardous waste and hospital waste, along with their impact on health and potential epidemiological consequences. In this regard, the Special Rapporteur was informed that a project with the World Bank had been approved to manage the entire life cycle of hospital supplies.

77. The Special Rapporteur received information concerning the international arbitration case *Lee-Chin v. Dominican Republic*,³¹ which informed his assessment of a key aspect of the decision of the International Centre for Settlement of Investment Disputes. In the Special Rapporteur's view, the Centre erred in failing to recognize that a crisis involving the Duquesa Landfill could reasonably be classified as a national emergency, which is supported by the scale of the landfill, the risk of epidemic outbreaks, the location of the landfill in the capital city and the informed assessment of the Government. The declaration by the Government of a national emergency should hold significant weight in those circumstances. In the absence

²⁷ See https://openjicareport.jica.go.jp/pdf/12337754_01.pdf.

²⁸ See <https://openjicareport.jica.go.jp/pdf/1000051782.pdf>.

²⁹ In the Dominican Republic, a *buzo* refers to an informal recycler who works in landfills and waste dumps collecting recyclable materials such as plastics, metals, cardboard and glass. The term means "diver" in Spanish, because it describes people who "dive" into waste to recover valuable items.

³⁰ See <https://repositorio.msp.gob.do/handle/123456789/2315>.

³¹ International Centre for Settlement of Investment Disputes, Case No. UNCT/18/3.

of compelling evidence that the declaration was merely a pretext, an international arbitral tribunal should defer to a Government's judgment in addressing a waste emergency.

B. Rivers and seas

78. In the Dominican Republic, 80 per cent of marine debris comes from land-based sources and is carried to the sea by rivers. The Government has made efforts by installing bio-fences in rivers to prevent floating debris, especially macroplastics, from reaching the sea. While these bio-fences help mitigate pollution, they are insufficient as a solution, as they do not address the source of the problem. The root of the problem lies in inadequate waste management, including ineffective foam control and the sale of single-use plastics. Furthermore, bio-fences do not trap microplastics or chemical pollutants in river waters.

79. Both rivers in the Province of the Distrito Nacional, the Isabela River and the Ozama River, exhibit high levels of pollution. The Special Rapporteur has received information that the Isabela River receives discharges from nearby industries and from numerous streams that carry garbage from neighbourhoods without waste collection coverage. The entrainment of solid waste, including plastic and foam, occurs particularly during rainy periods. As a result, the Special Rapporteur observed quantities of plastic and foam in the sea off the coast of Santo Domingo.

80. Alongside efforts to manufacture products with recycled materials, the Special Rapporteur learned about various initiatives aimed at restoring river health, protecting the oceans and ensuring healthy conditions for the population. One example is the creation of the "Rescate Ozama" platform in 2019. This platform unites the Ministry of the Office of the President, the United Nations Development Programme (UNDP) and The Ocean Cleanup, which is a non-profit organization supported by the Kingdom of the Netherlands and others. It features an interception system known as the Interceptor 004, a vessel designed to collect floating debris and plastics.

81. Likewise, in the National Plan for the Comprehensive Management of Marine Waste (2023) the Ministry for the Environment and Natural Resources identified the actors involved in managing solid waste and wastewater.³² Its objectives include strengthening governance, enhancing knowledge, promoting environmental education and cleaning up and remediating affected ecosystems.

82. Water pollution from industrial activities exacerbates barriers to clean water. Communities relying on rivers or streams for drinking, bathing or watering crops, among other uses, face contamination risks in areas where the water is polluted. This gap disproportionately affects people living in extreme poverty. To address this, the National Institute for Drinking Water and Sewerage, with financial support from the World Bank, is implementing investment programmes for drinking water and sanitation in various provinces across the country.

V. Plastics

83. The Dominican Republic is facing a plastics catastrophe, in particular in areas where plastic pollution cannot be effectively managed or contained. The plastic waste clogs sewer pipes and exacerbates flooding, while disproportionately affecting people and communities who live in poverty, in areas that are more flood prone and where infrastructure may be less resilient.

84. Throughout his visit, the Special Rapporteur observed the widespread use of foam, a lightweight, insulating material used to transport or store food, typically made of expanded polystyrene. He observed how foam is in widespread use, along with bottles and other single-use plastic products, contaminating streets, streams, rivers and the sea. Foam containers become breeding grounds for mosquitoes, which aggravate the spread of diseases,

³² See <https://ambiente.gob.do/portal-transparencia/app/uploads/2023/08/Plan-de-Accion-Nacional-para-la-Gestion-Integral-de-Residuos-Marinos.pdf>.

such as dengue fever and malaria. The chemicals found in foam, including endocrine-disrupting chemicals, present risks to human health. Benzene, a chemical compound in foam, is a known human carcinogen, while studies show a link between exposure to styrene, another common chemical in foam, and an increased risk of certain cancers. When the foam containers decompose, they release microplastics that infiltrate the water, soil, beach sand, wildlife and the human body.

85. Reportedly, plastic packaging waste amounts to approximately 300,000 tons per year.³³ The Waste Act promotes the recovery of this waste. The Act requires the plastics industry to adopt measures to recover and recycle its products. Members of the industry must also increase on an annual basis the percentage of recycled material used in the manufacturing of their products. The Waste Act classifies foam as a priority waste, subject to the extended producer responsibility regime. At the time of the Special Rapporteur's visit, public consultations were being held on the draft general regulations for the implementation of extended responsibility for producers, importers and traders of priority products. However, the application of an extended producer responsibility regime to foam is not yet operational, as the relevant regulation has not yet been adopted, thereby contributing to the increase in plastic pollution.

86. The Dominican Republic is taking steps to address plastic pollution, for example, through the creation, in 2024, of the National Action Platform for Plastic Waste Management. The Platform is chaired by the Ministry of Industry, Trade and Small and Medium-sized Enterprises and comprises 24 public and private entities. Its objective is to promote a transition to a circular economy for plastics. The Special Rapporteur was informed that the Platform was working on developing a roadmap, with the support of the World Economic Forum.³⁴

87. Another project to reduce single-use plastics, notably in the food and beverage sector, is to be led by the Ministry of the Environment and Natural Resources with the support of UNDP and funding of the Global Environment Facility. Starting in 2025, the integrated programme, entitled "Circular Solutions to Plastic Pollution", is aimed at strengthening laws and multi-stakeholder dialogue, boosting financial and technical capacity for sustainable packaging and business models, supporting innovation and learning and fostering behaviour change and a transition to a circular plastics economy. The project is expected to prevent over 11,000 tons of plastic waste and benefit more than 10 million people.

88. Despite these initiatives, much remains to be done. The harmful effects of plastics should be assessed throughout their entire life cycle and across the value chain. Originating from fossil fuels, plastics and the hazardous chemicals they carry aggravate the toxification of the planet. From the extraction and transportation of raw materials to their disposal, whether through degradation, incineration or other means, plastics contribute significantly to greenhouse gas emissions and the release of hazardous pollutants.

89. The Special Rapporteur was informed about the existence of "high-energy beaches", which lack natural barriers and are subject to ocean currents that carry plastic waste from distant locations. Plastic pollution entering the ocean is estimated to reach up to 12.2 million tons annually. As an island nation with a strong dependence on beach tourism, the Dominican Republic is particularly vulnerable to the adverse effects of marine plastic pollution.

90. In the context of a global plastics economy, in which other producing countries dictate the designs of plastic products, international cooperation is crucial. This should include access to information and effective controls over the chemicals added to plastics. These aspects underscore the significance of a legally binding international agreement on plastic pollution (under negotiation at the time of the Special Rapporteur's visit).

³³ See <https://www.undp.org/es/dominican-republic/blog/hacia-el-fin-de-la-contaminacion-por-plasticos-4-buenas-practicas-replicables-en-republica-dominicana>.

³⁴ Dominican Republic, Ministry of Industry, Trade and Small and Medium-sized Enterprises, "República Dominicana fortalece la gobernanza de su Plataforma Nacional de Acción sobre los Plásticos con la presentación de su Secretaría Técnica", 28 April 2025. Available at <https://micm.gob.do/republica-dominicana-fortalece-la-gobernanza-de-su-plataforma-nacional-de-accion-sobre-los-plasticos-con-la-presentacion-de-su-secretaria-tecnica/>.

91. The Special Rapporteur would like to emphasize the importance of the “polluter pays” principle in addressing plastic pollution. This principle is aimed at ensuring that the polluter bears the costs of pollution prevention, control and remediation measures.

VI. Hazardous pesticides

92. The adverse effects of pesticides on human health are well documented: exposure to pesticides is linked to serious health effects on the skin, eyes, liver and kidneys, as well as the cardiovascular, endocrine and nervous systems. Children and women are particularly vulnerable to such risks. The after-effects of pesticide intoxication include long-term or even lifelong harm.

93. Article 67 (2) of the Constitution of the Dominican Republic prohibits the entry into the country of internationally banned agrochemicals, as well as toxic and hazardous waste, among other substances. However, the Special Rapporteur was made aware of the general availability of highly hazardous pesticides, including those banned in their country of origin. The information received reveals a lack of adequate oversight in the control and marketing systems for dangerous agrochemicals. Consequently, the Special Rapporteur considers that article 67 (2) of the Constitution has not been effective because of the lack of trade monitoring and permit control, which are needed to prevent the importation of pesticides prohibited by Dominican legislation.

94. Act No. 64-00 on the Environment and Natural Resources establishes standards for the use of elements, combinations and chemical substances that may endanger the life or health of those who handle them or lead to accidents related to their handling (art. 97). Other laws and regulations control the registration, trade and use of pesticides, including in certain vulnerable zones.³⁵ Furthermore, regulations on highly hazardous pesticides were developed in 2024, with the support of the Food and Agriculture Organization of the United Nations, but have yet to be approved and implemented.

95. Green Customs, which is an initiative of the General Customs Directorate to ensure compliance with international regulations and national laws on monitoring and facilitating legal trade and detecting and preventing illegal trade in environmentally sensitive goods,³⁶ play a crucial role in preventing the importation of toxic waste and prohibited products under the responsibility of the authorities that supervise and facilitate legal trade. Likewise, to reduce import and export times and ensure that the necessary permits are registered, the Single Window for Foreign Trade is an example of improved communication between different government entities.

96. However, despite the existence of Green Customs and the Single Window for Foreign Trade, the Special Rapporteur is concerned about the entry of paraquat, a highly hazardous agrochemical, into the Dominican Republic. Several studies have found that long-term exposure to the highly toxic pesticide can increase the risk of Parkinson’s disease and several types of cancers, among other adverse health impacts. It risks the health of the people applying the herbicide, and that of other people working or living nearby. Due to its high toxicity and consequent harm to human health and the environment, more than 70 countries have banned paraquat.³⁷ The Special Rapporteur was informed that paraquat was easily accessible to farmers, including at agricultural supply stores.

97. The Special Rapporteur also learned of the use of chlorpyrifos, a hazardous pesticide, on specific crops in the country. Chlorpyrifos is not just harmful to the human nervous system; as an organophosphate pesticide, it can also harm the country’s key pollinators – bees, for example – in turn affecting food production and ecosystems.

98. Chlorpyrifos is catalogued as “restricted use” under the main pesticide regulation legislation of the Dominican Republic, Act No. 311-68 of 1968, which is supplemented by Regulation No. 322-88 on the Registration, Use and Management of Pesticides. However,

³⁵ Act No. 311-68 and Regulation No. 322-88.

³⁶ See https://www.aduanas.gob.do/media/ykmc0c0/ley_general_aduanas_168-21.pdf.

³⁷ See <https://www.ewg.org/areas-focus/toxic-chemicals/paraquat>.

the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, during its twelfth meeting, held in Geneva from 28 April to 9 May 2025, decided to eliminate the production and use of chlorpyrifos, a measure that has not yet been adopted by the Dominican Republic.

99. The Special Rapporteur is concerned that many of the individuals applying pesticides in the fields belong to vulnerable groups who have limited education and are living in poverty or subject to irregular labour arrangements. According to the information received, about 90 per cent of the workforce in the fields is of Haitian origin. These workers have fewer means by which to advocate for their labour rights and are vulnerable to exposure to toxic pesticides.

100. In many cases, farm workers do not have access to appropriate protective gear, cannot read the labels, lack the necessary knowledge or have not received training on how to apply these hazardous chemicals. There are also allegations that children work in the fields and are exposed to dangerous agrochemicals. The Special Rapporteur heard allegations that pesticides may be mixed or combined, which can increase their toxicity and risks associated with the unsound management of hazardous substances.

101. With regard to empty containers of hazardous pesticides, the Special Rapporteur takes note of a project from 2021, agreed to by pesticide importers and the Ministry of Agriculture, for the collection, treatment and final disposal of empty pesticide containers and related products.³⁸ However, this project has not yet been implemented; hence, empty containers of hazardous pesticides are not adequately managed, contributing to water and soil contamination.

102. Organic coffee, banana and cocoa projects are being developed in the country. The use of organic agricultural practices illustrates an environmentally safe, sustainable and climate-smart approach that also safeguards human health. However, these projects, for which a significant number of undocumented migrants are employed, are struggling to obtain organic certification, as one condition for accreditation is to regularize the labour force.

103. While the Special Rapporteur understands that the Government has taken measures to control the spraying of agrochemicals, he is deeply concerned by testimonies he heard that pesticides are being sprayed near schools. Specific resolutions issued by the Ministry of Agriculture and provided to the Special Rapporteur prohibit the use of pesticides during school hours. However, the Special Rapporteur has been informed that, on multiple occasions, both aerial and ground spraying of pesticides near schools continued during these hours.

104. The spraying of hazardous pesticides has harmed the health of children, teachers and school staff, who have experienced damage to their nervous, respiratory and vascular systems. The Special Rapporteur was informed of coughing, skin reactions and rashes, nausea, dizziness and vomiting. Some reported the need to wear a mask while on school premises. The Special Rapporteur witnessed cases of individuals suffering severe after-effects associated with exposure to these agrochemicals.

105. During a visit to an affected school, the Special Rapporteur was informed of two students and one teacher having been hospitalized while presenting symptoms of poisoning after an unknown chemical was sprayed by a small plane near their school. According to the medical files received by the Special Rapporteur, the two students were diagnosed with poisoning from pesticide and chemical exposure.

106. Furthermore, the Special Rapporteur has been made aware of the allegedly irresponsible behaviour of certain authorities that, rather than prosecuting those responsible for using pesticides in violation of current regulations, have sought to blame children and teachers. This has revictimized them, created stigma against the affected populations and is utterly contrary to a system of accountability.

³⁸ Resolution RES-MARD-2021-29. Available at <https://agricultura.gob.do/transparencia/categoria/resoluciones/>.

107. The Special Rapporteur was informed of a joint declaration adopted in February 2025 by the Ministries of Education, Public Health and Social Assistance, the Environment and Natural Resources, Agriculture, and the Interior and the Police, the Attorney General's Office and the Dominican Civil Aviation Institute. The purpose of the declaration is to generate compliance with regulations on the spraying of pesticides for agricultural use near schools and communities, and tasks each entity according to their mandate. For example, the Ministry of Public Health and Social Assistance must establish a continuous epidemiological surveillance mechanism to identify and respond to possible cases of intoxication, the Ministry of the Environment and Natural Resources must monitor the environmental impact of pesticide application in areas near school and urban communities and the Attorney General's Office must investigate and criminally prosecute those responsible for illegal fumigations that endanger public health, especially in school environments.

VII. Air pollution

108. Regarding the overall air quality, the Special Rapporteur learned that the Dominican Republic is strengthening its monitoring capabilities, with the support of the international community. The data revealed by this monitoring are expected to be used to enhance air quality standards.

109. There is room for the Government to strengthen its technical environmental regulations to align them with WHO global air quality guidelines, in particular with regard to the following key air pollutants: particulate matter (PM₁₀ and PM_{2.5}), ozone, nitrogen dioxide, sulphur dioxide and carbon monoxide.

110. The Special Rapporteur welcomes the fact that article 21 of the Technical Environmental Regulations on Air Quality establishes an environmental liability regime over people who harm the environment and public health through activities that affect air quality.³⁹

VIII. Conclusions and recommendations

A. Conclusions

111. The Dominican Republic struggles with a complex interplay between economic development, environmental governance and human rights. While the country has made notable strides in legislative and institutional frameworks, significant gaps remain in enforcement, transparency and public participation.

112. The country stands at a pivotal moment to align environmental management with human rights obligations. The momentum for change generated by recent reforms and international cooperation offers a unique opportunity for the country to ensure that its development does not come at the cost of people's well-being or ecological integrity. By leveraging its international partnerships, strengthening its regulatory systems and fostering meaningful civic engagement, the country can advance towards a more sustainable and toxics-free future. Furthermore, by seeing efforts at environmental protection as an investment in the natural infrastructure of the economy, including clean waters and soils, the country can reap the long-term benefits of protecting its resource base.

113. To address the country's waste challenges, there is a need to rethink production, design and consumption through the awareness, commitment and responsibility of all stakeholders in society, in particular the private and public sectors, to achieve a transition to a circular economy. To this end, the Special Rapporteur encourages consideration of the innovative role that industry can play in terms of clean production methods, the materials used, and their segregation and potential reuse. This includes adopting approaches that prevent the introduction of hazardous substances into

³⁹ See https://ambiente.gob.do/en/wpfd_file/reglamento-tecnico-ambiental-calidad-del-aire/.

products and supply chains, thereby enabling a circular economy based on non-toxic material flows.

114. The Special Rapporteur encourages all stakeholders to seize the opportunities that this moment offers and apply their vision to tackling the challenges posed by the environmentally sound management of hazardous substances and waste.

B. Recommendations

Governance and accountability

115. The Special Rapporteur recommends that the Government of the Dominican Republic:

(a) Resubmit the Escazú Agreement for constitutional review and reform the Organic Law of the Constitutional Court to allow for clarification or amendment of rulings pronounced in the context of the preventive control of the constitutionality of international treaties;

(b) Investigate allegations of corruption and release documents of public interest held by government entities;

(c) Review national environmental technical regulations on air quality to align them with the WHO air quality guidelines;

(d) Submit timely national reports on the implementation of the Stockholm Convention;

(e) Gather data on PCBs, highly hazardous pesticides and mercury and share them with international cooperation projects such as the Global Environment Facility ISLANDS programme;

(f) Review and amend its legislation to ensure that trafficking in hazardous waste is explicitly and effectively sanctioned as a crime, in accordance with the Basel Convention;

(g) Review the governing legal frameworks for environmental offences to establish penalties proportionate to the gravity of the conduct. This includes classifying environmental offences as “crimes”, commensurate with their severity;

(h) Reform the Criminal Code to group the offences presently set out in multiple laws and codify them in a special chapter dedicated to offences against the environment;

(i) Include provisions in the mining law reform to require mining companies to produce plans for the closure of tailings dams;

(j) Adopt and implement the regulations necessary to ensure the management and disposal of materials, including foam and waste electrical and electronic equipment, that have been designated as priority wastes in the context of the Framework of Extended Producer Responsibility;

(k) Revise the Waste Act to achieve a significant gradual reduction in foam and other materials;

(l) Enforce health and work standards to align them with international standards, including by providing training and protective equipment to all agricultural workers without discrimination, and ensure that businesses are obligated to uphold these standards;

(m) In the context of relocation and compensation, including land and housing valuation, consider the guidance provided by international law and human rights mechanisms, including the basic principles and guidelines on development-based evictions and displacement;

(n) **Protect the right to freedom of assembly against excessive restrictions to the legitimate right to peaceful protest;**

(o) **Investigate and address the environmental and health impacts of projects such as the Punta Catalina Thermoelectric Plant and the Pueblo Viejo mine;**

(p) **Ensure access to effective recourse mechanisms for people who are victims of environmental and human rights violations;**

(q) **Increase budget allocations for the Ministry of the Environment and Natural Resources and environmental initiatives and programmes, including investments in access to safe drinking water and sanitation.**

Industrial activities

116. **The Special Rapporteur recommends that the Government of the Dominican Republic:**

(a) **Enforce mandatory and adequate buffer zones between mining operations, including tailings facilities and communities;**

(b) **Protect water sources from contamination by industrial activities;**

(c) **Subject rare earth activities to environmental and social safeguards, such as social and environmental impact assessments and meaningful public participation;**

(d) **Promote and encourage a progressive but effective transition of the Punta Catalina Thermoelectric Plant towards the use of natural gas or renewable energies to reduce emissions and waste;**

(e) **Conduct epidemiological studies to investigate the risks associated with exposure to toxic pollutants generated by industrial activities;**

(f) **Continuously monitor air quality and its effects on the health of people, especially those living in the communities surrounding industrial activities such as the Punta Catalina Thermoelectric Plant.**

Waste management

117. **The Special Rapporteur recommends that the Government of the Dominican Republic:**

(a) **Close unsafe waste dumps and replace them with sanitary landfills;**

(b) **Implement measures to improve the effectiveness and implementation of legal and policy incentives to encourage waste separation at source and recycling;**

(c) **Support and develop the useful work of informal recyclers (*buzos*) and provide them with the equipment necessary to safely perform their tasks.**

118. **The Special Rapporteur recommends that all relevant stakeholders, including producers and food service providers, intensify their efforts to replace foam and single-use plastic products with sustainable alternatives.**

Hazardous pesticides

119. **The Special Rapporteur recommends that the Ministries of Education, Public Health and Social Assistance, the Environment and Natural Resources, Agriculture, and the Interior and the Police, the Attorney General's Office and the Dominican Civil Aviation Institute implement their respective commitments adopted under the joint declaration of February 2025, including the formation of an inter-institutional monitoring mechanism to ensure compliance with domestic and international regulations on pesticide use.**

120. **The Special Rapporteur recommends that the Government of the Dominican Republic:**

(a) Strengthen pesticide laws and regulations to emphasize trade monitoring through permit control and import monitoring, effectively monitor pesticide application, maintain mandatory records of pesticide purchases and use and closely inspect vendors of highly hazardous pesticides for unlicensed sales;

(b) Initiate a training programme for farm workers on their rights and obligations under the law, the dangers of pesticide misuse, safe handling of pesticides and how to read labels;

(c) Ban paraquat and chlorpyrifos and use safe alternatives;

(d) Prohibit the unregulated aerial spraying of pesticides by drones;

(e) Enforce pesticide-free zones and times near schools;

(f) Ensure access to justice and effective remedies for individuals harmed by pesticide spraying;

(g) Ensure accountability of companies and individuals who engage in illegal pesticide spraying.

Information and participation

121. The Special Rapporteur recommends that the Government of the Dominican Republic:

(a) Develop and strengthen its legislation, in line with Escazú Agreement directives, including within the regulatory framework of Act No. 64-00 on the Environment and Natural Resources, for environmental impact assessments to guarantee and institutionalize continuous, inclusive and meaningful public participation in environmental decision-making, especially with communities affected by industrial, mining and other projects;

(b) Establish pollution information portals, such as a pollution release and transfer registry, through legislation and policies that require authorities to systematically generate, compile and disseminate environmental information in a proactive, regular, accessible and understandable manner, and in accordance with international standards.

Recommendations to the international community and development partners

122. The Special Rapporteur recommends that the international community and development partners of the Dominican Republic:

(a) Support and assist in the development of the recommendations set out above, including the establishment of a national emissions and waste registry and air quality monitoring systems, the creation of sustainable and safe landfills and the funding of infrastructure for water and sanitation, waste segregation, recycling and safe disposal, especially in underserved areas;

(b) Ensure that all development cooperation, including projects funded by international financial institutions and development agencies, adhere to and are in line with human rights standards, including the right to information, consultation and participation, and remedy;

(c) Prioritize community-led solutions and inclusive planning in environmental and infrastructure projects.
