

CHAPTER V

FOLLOW-UP ON RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

FOLLOW-UP ON RECOMMENDATIONS MADE BY THE IACHR BASED ON THE WORKING GROUP ON IMPLEMENTATION OF HUMAN RIGHTS POLICIES IN THE DOMINICAN REPUBLIC

I. INTRODUCTION

1. The purpose of this chapter is to follow up on the recommendations made by the Inter-American Commission on Human Rights (the “Commission,” “Inter-American Commission,” or “IACHR”) in relation to the situation of human rights in the Dominican Republic, not only in its 2015 country report and Chapter IV.B of its 2016 Annual Report, but also those based on information obtained through the activities in 2018 of the Working Group on Implementation of Human Rights Policies in the Dominican Republic and those arising from mechanisms for monitoring and follow-up on recommendations of the Commission pursuant to its Rules of Procedure. In accordance with Article 59 of the Rules of Procedure of the IACHR, through Chapter V of its Annual Report, the Inter-American Commission shall follow up on measures adopted to comply with the recommendations issued in its annual, country, or thematic reports.

2. Since the early 1990s, the Inter-American Commission has been receiving information about structural racial discrimination against persons of Haitian descent, or persons perceived as such, in the Dominican Republic, which has had a particular impact in terms of recognition of nationality and of deportations and expulsions, among other aspects. Moreover, migration control operations and collective expulsion have been a particular focus of this Commission since its 1991 country visit. Both the Commission and the Inter-American Court of Human Rights (the “Court” or “Inter-American Court”) have examined these situations and have issued recommendations and ordered reparation measures to address, in a comprehensive way, the human rights issues they identified. In this context, the impact of Constitutional Court judgment TC/0168/13, issued on September 23, 2013, was further evidence of the serious challenges faced by the Dominican State with regard to racial discrimination and the rights to nationality, juridical personality, a name, identity, and other related rights.

3. After accepting the invitation extended by the Dominican State, in the context of the on-site visit that it made to the Dominican Republic from December 2 to 6, 2013, the IACHR observed in particular the effects of the aforementioned judgment on persons born in the Dominican Republic of Haitian descent with respect to their right to nationality, as well as other rights. Subsequent to the visit, the IACHR prepared the report [“Situation of Human Rights in the Dominican Republic,”](#) in which it put forth several recommendations to the Dominican State, using the findings and information obtained through monitoring conducted prior to, during and after the on-site visit, the *ex officio* investigations it carried out, information provided by the State, input from different mechanisms whereby the IACHR followed up on the situation in the country, information submitted by civil society organizations, press reports, decisions and recommendations of specialized international bodies, among other sources.

4. In 2016, the IACHR requested information from the Dominican State on compliance with the recommendations issued in the Country Report but did not receive a response. Additional requests made by this Commission in 2016 also went unheeded by the Dominican State. In view of the serious impact the above-referenced situations have had on the human rights situation, the persistent structural problem of discrimination against persons of Haitian descent born on Dominican territory, or those perceived as such, and in particular, arbitrary deprivation of nationality of persons of Haitian descent born in the Dominican Republic, and the impact of that situation in terms of leaving many of those people stateless, the IACHR decided to include the country in Chapter IV.B of its 2016 Annual Report, inasmuch as it finds that the criteria set forth in Article 59.6.d.iii of the IACHR Rules of Procedure were met.

5. Throughout 2017, the IACHR and the Dominican State met on a number of occasions, including in the context of the presentation of the 2016 Annual Report of the IACHR at the OAS General Assembly and at IACHR sessions. These working meetings led the Dominican State to invite the IACHR to conduct a working visit to the Dominican Republic in November 2017, which was formalized in an official communication dated October 20, 2017. The Commission accepted the invitation made by the Dominican State in an official communication dated November 8, 2017, and it carried out the visit on November 23 and 24, 2017. During the visit, the IACHR noted the will of the Dominican State to adopt a series of commitments to offer an appropriate response to the problems identified, with technical support from the IACHR. At the same time, in meetings with victims and civil society organizations, the IACHR saw for itself the urgent need for progress in implementing its recommendations in order to improve the human rights situation in the Dominican Republic.

6. After the working visit, the IACHR received from the Permanent Mission of the Dominican Republic to the Organization of American States Note No. 1076 of December 1, 2017, whereby the Dominican State formally conveyed the document “Working Group on the Implementation of Human Rights Policies in the Dominican Republic.” This included a proposal for the creation of a space for dialogue on issues of interest to the Inter-American system in keeping with State actions underway to develop acquisition of nationality and migration policies to combat all forms of discrimination and policies on women’s rights and gender equality. The proposal suggested two Working Group meetings in 2018: one in Santo Domingo, the other in Washington, D.C. Based on the foregoing, the Commission considered that it had received sufficient information on the measures that the Dominican State had been adopting, which over the long term could gradually help to resolve the circumstances that gave rise to the inclusion of the Dominican Republic in Chapter IV.B of its Annual Report in 2016. Therefore, based on Article 59.9 of its Rules of Procedure, the IACHR decided to include the Dominican Republic in Chapter V of its 2017 Annual Report and gather information about compliance with the recommendations set forth in its report “[Situation of Human Rights in the Dominican Republic](#),” as well as in Chapter IV of its 2016 Annual Report.

7. In keeping with the work plan, in 2018 the IACHR installed the Working Group on Implementation of Human Rights Policies in the Dominican Republic.¹ Initially, the Inter-American Commission held a series of meetings and exchanged communications with civil society organizations and the Dominican State to define the Working Group’s focal points and the methodology governing its procedure. Following those meetings, on July 10, 2018, the Commission invited the State and civil society organizations to a first meeting of the Working Group and sent the parties a preparatory questionnaire on the substantive topics that would be addressed at the meeting. The first meeting of the Working Group facilitated by the IACHR was held on July 24 and 25, 2018, at the headquarters of the Organization of American States in Washington, D.C. Taking part was a delegation from the Dominican State,² representatives of Dominican civil society organizations³ (hereinafter “civil society”), and domestic and regional observers.⁴

8. In relation to the activities of the first meeting of the Working Group, on July 24, 2018 the IACHR received the responses of civil society to its preparatory questionnaire. The Dominican State submitted its response to the IACHR on September 19, 2018. At the end of the first meeting of the Working

¹ IACHR, [IACHR Installs Working Group on Implementation of Human Rights Policies in the Dominican Republic](#), Press Release 75/2018, April 3, 2018.

² The delegation of the Dominican State comprised Flavio Darío Espinal, Legal Counsel to the Executive Branch of the Dominican Republic; Ambassador Gedeón Santos Ramos, Permanent Representative of the Dominican Republic to the Organization of American States; Judge Danissa Cruz, Office of the Attorney General of the Dominican Republic; Josué Fiallo, Ministry of the Presidency of the Dominican Republic; Juan Cuevas Medrano, Acting Alternate Judge, Central Electoral Board; Brígida Sabino Pozo, Head of the Late Declarations Unit of the Central Electoral Board; Erika Álvarez, Minister Counselor, Alternate Representative to the Organization of American States; and Laura Brea, Counselor, Alternate Representative to the Organization of American States.

³ Civil society was represented by María Martínez, MOSCHTA; Natanael Santana, Reconoci.do; Beneco Enecia, CEDESO; Roque Feliz, Centro Juan Montalvo; Cristina Luis Francisca, MUDHA; Genaro Rincón, Derechos Vigentes; Cristina Francisco, SIMUDIS; Sergia Galván, CLADEM Dominican Republic; Juana Ferrer, CONAMUCA; Bartolomé Pujals Suárez, Diversidad Dominicana; Christian King, TRANSSA; and Mariel Ortega, Race and Equality Dominican Republic.

⁴ The following attended as observers: Gregoria Corporán, Derechos Vigentes; Kacey Mordecai, Robert .F Kennedy Human Rights; Elsa Meany, Center for Justice and International Law; Selene Soto, Women’s Link Worldwide; Shaune Morgan, Open Society Justice Initiative; and Marselha Goncalves, Amnesty International.

Group, on November 19, 2018, the IACHR sent the State by way of technical assistance a confidential note on observations on progress of the working group discussions.

9. For the second meeting of the Working Group, the IACHR held preparatory meetings with civil society and the State at which the methodology employed was evaluated and the decision made to increase the number of focal points. As on the previous occasion, on November 2, 2018, the IACHR sent to the State and civil society organizations a preparatory questionnaire on the substantive topics of the second meeting of the Working Group. The second meeting of the Working Group facilitated by the IACHR was held in Santo Domingo on November 20 and 21, 2018. It was attended by the delegation of the Dominican State,⁵ representatives of Dominican civil society,⁶ and domestic and regional observers.⁷

10. In relation to the activities of the second meeting of the Working Group, on November 21, 2018 the IACHR received the responses of civil society to its preparatory questionnaire. As regards the State, the IACHR reiterated its request for information on December 12, 2018 and January 18, 2019. The Commission observes that although the State supplied information during the second meeting of the Working Group, as of the date of publication of this report, it had not received the State's response to the questionnaire.

11. On February, 2019, the IACHR forwarded to the Dominican State the preliminary draft of this document, which is part of Chapter V of its 2018 Annual Report, in accordance with Article 59.10 of its Rules of Procedure and asked it to submit its observations within 3 weeks. The State did not submit its observations. The IACHR adopted this report on March 14, 2019.

12. This report is divided into three parts, each covering the thematic areas for follow-up on the recommendations of the Commission in the framework of the Working Group on Implementation of Human Rights Policies in the Dominican Republic and pending challenges. They are: acquisition of nationality and migration, policies to combat all forms of discrimination, and women's rights. Each section analyzes the main areas of progress and challenges identified by the IACHR based on information presented by the State and civil society organizations, as well as on information that the Commission has gathered as a result of its installation of the Working Group and from monitoring the overall situation of human rights in the Dominican Republic. To that end, the Commission has relied on information received from the State, information gathered during the meetings of the Working Group, from public hearings, from *ex officio* investigations, and from requests for information under Article 41 of the American Convention on Human Rights, in addition to information available from other public sources as well as decisions and recommendations by specialized international agencies, among others. Finally, the IACHR presents its conclusions and recommendations.

⁵ The delegation of the Dominican State consisted of Flavio Darío Espinal, Legal Counsel to the Executive Branch; Jimena Conde, Office of the Legal Counsel to the Executive Branch; Alejandra Liriano, Ministry of the Presidency; Josué Fiallo, Ministry of the Presidency; Marjorie Espinosa, Ministry of Foreign Affairs; Radhys Abreu, Ministry of Foreign Affairs; Rosario Graciano de los Santos, Central Electoral Board; Juan Bautista Cuevas, Central Electoral Board; Brígida Sabino Pozo, Central Electoral Board; Omayra Gómez, Ministry of Education; Víctor Sánchez, Ministry of Education; Yvonne Aguasviva, General Directorate of Migration; Luis Fernández, Ministry of the Interior and Police; María Lendof, Ministry of the Interior and Police; Benito Antonio Cruz Peña, Ministry of Health and Social Assistance; Chanel Rosa Chupany, National Health Service; Rafael Cabrera Sarita, National Police; Danissa Cruz Taveras, Office of the Attorney General; Natiasky Marmolejos, Office of the Attorney General; Manuel Ramón Ventura Camejo, Ministry of the Civil Service; Juan Carlos Torres Robiou, Special Tourism Security Corps; Fausto Fernández, Ministry of Tourism; Gisselle Almánzar, Ministry of Labor; Andrés Valentín Herrera, Ministry of Labor; Rafael Mariano Oviedo, Ministry of Labor; Juan Arias, National Statistics Office; Doimy Pereyra, National Statistics Office; Magino Corporán, National Council on Disability; Juan Carlos Quiñones, National Congress; and Janet Camilo, Ministry for Women.

⁶ Civil society was represented by Christian King, TRANSSA; Mariel Ortega, independent; Rosanna Marzán, Diversidad Dominicana; Eulogia Familia, Confederación Nacional de Unidad Sindical; Beneco Enecia, CEDESO; María Martínez, MOSCHTA; Franklin Dinol, independent; Natanael Santana, Reconoci.do; Antonio Pol Emir, Servicio Jesuita a Migrantes; Manuel Dandré, Red Jacques Viau; Jenny Morón, MUDHA; Genaro Rincón, Derechos Vigentes; Sergia Galván, CLADEM; Cristina Francisco, SIMUDIS; Juana Ferrer, CONAMUCA; and Ordily Inoa, independent.

⁷ The following attended as observers: Gregoria Corporán, Derechos Vigentes; Bartolomé Pujals, Diversidad Dominicana; Florencia Reggiardo, CEJIL; Roque Feliz, Centro Juan Montalvo; and Selene Soto, Women's Link Worldwide.

II. FOLLOW-UP ON RECOMMENDATIONS

A. Acquisition of Nationality and Migration (public policies post-Judgment 168-13: Law 169-14 and the National Regularization Plan for Foreigners)

1. State measures necessary to ensure access to documentation, on an equal basis and without discrimination and expand paths to effective access to the civil register.
2. Measures to ensure birth registration, on an equal basis and without discrimination, including late registration of births.
3. Full enforcement of Law 169-14, which brings the State into full compliance and measures to facilitate the means to guarantee effective access of the population to its documentation.
4. Mechanisms to investigate and address potential cases of persons born from 2007 to 2010, who never had a birth record and did not apply through the statutory procedure, as well as the children of mixed couples.
5. Measures to advance in the implementation of the National Regularization Plan for Foreigners and offer alternatives in order to gain access to immigrant registration and documentation.
6. Measures to improve and ensure the security and safety of migrants.
7. Actions to prevent unlawful expulsions and deportations.

13. First, with respect to **State measures necessary to ensure access to documentation, on an equal basis and without discrimination and expand paths to effective access to the civil register**, the IACHR observes that among the obstacles faced by those adversely affected are inability to know their registration status; lack of information about and assistance in following the process to obtain papers; discriminatory treatment by the Dominican authorities and police; widespread abuse of criteria by Central Electoral Board (JCE) authorities to retain papers; discrepancies between the new registration book and the Transcription Book of the JCE; suspension and suspicious voiding of valid papers; identity theft; inability to afford the documentation; a host of obstacles to obtain documentation; problems with documentation for the children of people in Group A and damaging narratives that lead to Group A status.⁸ The IACHR has reiterated its concern with the fact that such obstacles continue to impact people in their daily lives five years after Judgment TC/0168/13 was handed down.⁹

14. At the first meeting of the Working Group the Dominican State reported that as of July 2018 there were 59,881 birth certificates available at the Central Electoral Board and that it had issued 21,454 birth certificates and 23,723 identity cards corresponding to the same number of people, for a total of 45,177 documents available to the persons concerned.¹⁰ The IACHR also takes note of the commitment expressed by the Dominican State when it said that the Central Electoral Board had ordered that "no citizen benefiting from the law who knocks on its doors to request its services will leave without being given the document requested."¹¹

15. Dominican civil society organizations indicated in the information they supplied to the IACHR that the denial of identity documents was not a problem that had begun with Constitutional Court Judgment 168-13, but that obstruction of access to civil records and identity documents had been going on for years, which, added to the economic hardships and social exclusion suffered by the population, particularly those of Haitian descent, were elements that needed to be taken into account for correctly designing public

⁸ IACHR, 2017 Annual Report, Chapter V, Dominican Republic, par. 38.

⁹ IACHR, 2017 Annual Report, Chapter V, Dominican Republic, par. 39.

¹⁰ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

¹¹ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 5, IACHR Archive.

policies and measures that would genuinely lead to progress toward a satisfactory solution that would have a positive impact in terms of inclusion and the living standards of vulnerable individuals and communities.¹²

16. In keeping with the above, the IACHR highlights information provided by the Dominican State on the launch of a joint program by the Central Electoral Board and the Office of the United Nations High Commissioner for Refugees (UNHCR), consisting of the formation of mobile brigades tasked with reaching beneficiaries of Law 169-14 in order to fully implement document delivery.¹³ The State reported that the first activity took place in the municipalities of San José de los Llanos and Ramón Santana, in San Pedro de Macorís Province from August 8 to 10, 2018, during which documents were requested and files completed for beneficiaries of Law 169-14 who had not presented themselves at civil status registration units.¹⁴ The State added that discussions were held at the community level with at least 10 civil society organizations when the activities were planned. A total of 448 applications relating to Law 169-14 and other services were processed.

17. In that regard, civil society organizations informed that they knew about the organization of those activities at the national level, including a pilot initiative in San Pedro de Macorís aimed at identifying 5,000 people whose documents were available.¹⁵ However, they also said that they had had no information about the actual implementation of those brigades in other parts of the country or about additional measures targeting beneficiaries of Law 169-14.¹⁶ On that point, the State said that the Central Electoral Board had begun reaching out to different civil society actors that live in communities that had potentially significant numbers of beneficiaries who had not yet collected their documents.¹⁷

18. In relation to those who were registered and obtained their birth certificates (Group A), at the second meeting of the Working Group the State said that there was a total of 61,132 people in Group A.¹⁸ As to delivery of documents to that group, civil society organizations specified that, according to information provided by the Central Electoral Board to the UNHCR, as of July 18, 2018, documents had been delivered in three municipalities: Los Llanos, Ramón Santana, and San Pedro de Macorís. In all, 2,454 people had received their documents in Los Llanos; 2,288 people in Ramón Santana; and 5,265 people in San Pedro de Macorís.¹⁹ Civil society organizations also mentioned that there was no way of verifying if those documents had actually been delivered or identifying those who had succeeded in obtaining identity documents; in addition to a lack of mechanisms to facilitate access for people with limited means, special needs, and disabilities²⁰

19. In this regard, the IACHR recalls that the refusal to register or issue papers to a large number of people born in the Dominican Republic has been extensively practiced by the Central Electoral Board (JCE) in recent decades. Therefore, the IACHR acknowledges the progress in terms of adoption of measures to facilitate delivery of documents and access to civil registration. The IACHR notes that although the information furnished by the State is significant, according to other information that the State has provided, the total number of people who have been unable to access their identity documents could be in excess of

¹² Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁵ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

¹⁶ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 2, IACHR Archive.

¹⁷ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 5, IACHR Archive.

¹⁸ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

²⁰ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 4, IACHR Archive.

30,000. The IACHR reiterates that birth registration and identity documents are elements that enable the exercise of the multiple rights associated with the right to nationality and juridical personality.²¹ As a result of being deprived of documents and access to civil registration, people have to cope with significant adversities in their daily lives, including widespread discrimination, denial of their rights to move freely inside and outside the country, participation in political life, receive medical assistance, take out medical insurance, open a bank account, obtain a passport, obtain a certificate of good conduct from the police, file a complaint with the authorities, register their children as Dominican nationals, enroll their sons and daughters at school, go to university, find formal and stable employment, access public services, and get married, among other things.²² Therefore, the IACHR emphasizes the need to create and provide access to mechanisms to enable these persons to be identified and facilitate access to civil registration and identity documents, so that those documents are provided without any kind of discrimination, arbitrariness, or administrative impediment. Based on the foregoing, the IACHR considers that this recommendation has been partially implemented.

20. With respect to **measures to ensure birth registration, on an equal basis and without discrimination, including late registration of births**, the Dominican State informed the United Nations Human Rights Council that to promote the timely registration of births, the Central Electoral Board has 165 registry offices as well as 67 civil status registration units situated in public health centers, the aim being to ensure that all children are registered.²³ In its report, the State also mentioned that the Plenary of the Central Electoral Board issued decision No. 45/2008, decision No. 75/2010, and decision No. 08/2007, to ensure both timely and late birth registration, and that the JCE was also a party to the framework agreement for inter-agency cooperation in timely and late birth registration concluded with the Ministry of Health, the National Health Service, the General Directorate for Special Projects of the Office of the President and the United Nations Children's Fund.²⁴

21. According to publicly available information, the IACHR notes that in the 2017-2018 period the births were registered of 34,534 children of foreign mothers in the Book of Foreign Birth Registration (*Libro de Extranjería*) and that of 12,788 births of foreign nationals that occurred between January and October 2018, only 6,690 were entered in the Book of Foreign Birth Registration.²⁵

22. The State, for its part, said that in the case of people who have been erroneously registered in the Book of Foreign Birth Registration despite having Dominican nationality, there is an administrative procedure for verifying the registration error and instructing the appropriate civil status registration units to register such persons in the book in which they should originally have been registered and nullify the erroneous certificate.²⁶

23. As to the nationality of the descendants of persons in Group A, in its response to the preparatory questionnaire for the first meeting of the Working Group, the State said: "All descendants of the

²¹ IACHR, Report on the Situation of Human Rights in the Dominican Republic, OEA/Ser.L/V/II. Doc.45/15, December 31, 2015, par. 14.

²² IACHR, Report on the Situation of Human Rights in the Dominican Republic, OEA/Ser.L/V/II. Doc.45/15, December 31, 2015, pars. 20 and 39; IACHR, 2016 Annual Report, Chapter IV.B, Dominican Republic, par. 55; IACHR, 2017 Annual Report, Chapter V, Dominican Republic, pars. 20 and 39. On this point, see also CEJIL, RFK, ISI, Red ANA, and Dominican@s por Derecho, Manual de Incidencia: Asegurando el derecho a la nacionalidad sin discriminación y combatiendo la apatridia en República Dominicana, pp. 15, 42, and 43.

²³ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, par. 87, p.11.

²⁴ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, pars. 87-91, pp. 11 and 12.

²⁵ Listin Diario, [Inscriben a 34.524 en Libro de Extranjería, January 14, 2019](#).

²⁶ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

beneficiaries in Group A, who benefited from the accreditation of Dominican nationality under Law 169-14, likewise enjoy the rights of Dominican nationality.”²⁷

24. In relation to the transcription of beneficiaries of Law No. 169-14, the Dominican State indicated that the JCE releases the appropriate documentation without delay once the requirements set forth in that law have been met.²⁸ The State said that a total of 27,912 certificates corresponding to the same number of beneficiaries were transcribed in accordance with the provisions contained in Article 2 of Law No. 169-14 and that the legal status of the beneficiaries registered in those books is considered to be that of Dominicans. Finally, the State clarified that there are no provisions in Dominican law governing the elimination of the transcribed certificate, with the result that it is up to the courts to order their annulment.²⁹

25. In relation to the foregoing, in the context of the second meeting of the Working Group, civil society organizations said that the figures to which the State refers are not public knowledge. They also mentioned that transcription generates a duplication of certificates, procedures, information and, in turn, procedures for nullifying the original birth certificate. The latter, owing to the fact that the registration acquires a new book, entry, and page number with the transcription, thereby erasing the identity record of the individual who exercised their rights with that documentation. Accordingly, civil society believes that transcription procedures should be permanently suspended.³⁰

26. Regarding annulment of the birth certificates of individuals in Group A, the State reported that a total of 27 birth certificates have been recommended for nullification under the provisions of Article 3 of Law 169-14. Civil society organizations said that they had been informed by the Central Electoral Board that petitions for annulment of certificates had continued to be lodged and that 1,062 applications were presented in 2017, and 340 as of July 2018.³¹ The IACHR notes a lack of agreement between civil society and the State regarding transcription processes and applications for annulment. The IACHR considers it important to receive information about the number of certificates that are being transcribed and about those acts that are or could be the subject of annulment applications.

27. As regards to persons who were never registered and did not have birth certificates (Group B), the State said that it has a total of 8,755 cases corresponding to the same number of individuals who enrolled in the National Regularization Plan for Foreigners (PNRE), and that 6,482 of them have had their births registered in the automated system. Processing of the other 2,273 cases is pending finalization.³² In addition, the Ministry of the Interior and Police referred a total of 6,793 cases to the JCE for the issuance of identity cards. In relation to those cases, 4,442 identity cards have been issued for those who have met the legal requirements.³³ For their part, civil society organizations told the IACHR that of the total number of identity cards announced as being available for collection, only 1,040 are actually in a position to be collected.³⁴ They also reported that the majority of people in Group B are in a situation of vulnerability and

²⁷ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 7, IACHR Archive.

²⁸ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

²⁹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

³⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

³¹ Civil society, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Request for Information to the Central Electoral Board, Response of the Central Electoral Board, IACHR Archive.

³² Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 10, IACHR Archive.

³³ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 10, IACHR Archive.

³⁴ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 6, IACHR Archive.

economic need, so that, while the process is free, traveling to the capital to collect their documents is a costly exercise for them.³⁵

28. With respect to the situation of people who were born in the Dominican Republic to foreign nationals with irregular status and who are not registered in the Civil Register, the Dominican State said that it had had no knowledge since 2013 of such possible cases. In that connection, the IACHR observes that civil society organizations said that the State continues to register such individuals in the Book of Foreign Birth Registration, which, despite being a record of their identity, limits their exercise of civil and political rights.³⁶

29. The Commission reiterates that any legal practice, norm, or interpretation that supports refusal of the registration of birth and the issuance of birth certificates for children born in the Dominican Republic of Haitian migrant workers and who met the requirements for securing Dominican nationality constitutes an arbitrary deprivation of nationality and therefore a violation of Article 20.3 of the American Convention on Human Rights.³⁷ The IACHR considers that while the information provided by the Dominican State is relevant and positive, challenges persist with respect to ensuring access to birth registration for people affected by Constitutional Court Judgment TC/0168/13. In that sense, the IACHR finds that this recommendation has been partially implemented.

30. With respect to **full enforcement of Law 169-14, which brings the State into full compliance and measures to facilitate the means to guarantee effective access of the population to its documentation**, the State said that a list of beneficiaries of that law is publicly available on the JCE website³⁸ and that it is also possible to disaggregate lists of beneficiaries by province and municipality.³⁹ The State said that the list is periodically updated as the implementation process moves forward; however, out of respect for the right to privacy and protection of personal data, the JCE does not publish information identifying beneficiaries who receive that documentation.⁴⁰ For their part, civil society organizations said that the objective is that the list provide information in a clear and disaggregated way, which is not yet the case.⁴¹ The IACHR notes that the lack of direct access to this list on the website, as well as the publication of lists by which to cross-reference information in order to facilitate the task of identifying beneficiaries who have not yet accessed their documents are obstacles to the full and effective implementation of Law 169-14.⁴² The IACHR also emphasizes that mechanisms are needed to make it simple to identify what requirements have to be met and how to access the documentation of people in Group A.

31. During the second meeting of the Working Group, the State informed that there had been two implementation periods: the first, which lasted 90 days and was for those who had not been registered in the Book of Foreign Birth Registration, was under the supervision of the Ministry of the Interior and Police and the JCE. In the case of Group B, the period was extended by 90 days.⁴³ The State said that during the second period a total of 8,768 applications were received, of which 6,571 satisfied the minimum

³⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

³⁶ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 8, IACHR Archive.

³⁷ IACHR, Report on the Situation of Human Rights in the Dominican Republic, OEA/Ser.L/V/II. Doc.45/15, December 31, 2015, par. 90.

³⁸ Dominican Republic, Central Electoral Board, [Beneficiarios Ley 169-14](http://cedula.jce.gob.do/), available at <http://cedula.jce.gob.do/> [last visited on February 11, 2019].

³⁹ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

⁴⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴¹ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 6, IACHR Archive.

⁴² Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

requirements,⁴⁴ with the applicants granted the immigration status of permanent residents, as the law provided. The State also reported that after two years, people had the option to apply for Dominican nationality under a naturalization process that began in 2018 and was without charge. The requirements for applying for nationality are as follows: submit an application to the executive branch by means of a letter in which the individual concerned requests Dominican nationality; a birth certificate; a certificate of no criminal record; a copy of the applicant's permanent resident carnet, a copy of the identity document (*cédula*) issued by the JCE; and 6 photographs. In the case of minors, the procedure only requires a letter addressed to the executive branch, a birth certificate, identity documents, and 6 photographs. The State said that as of November 2018 it had received 133 applications, 104 of which were for minors and 29 for adults.⁴⁵ The State said that the list of those applications was in the process of being forwarded to the executive branch for the relevant decree to be issued granting them Dominican nationality.⁴⁶ Finally, it said that it had received assistance in effectively implementing the law from civil society, UNHCR, and the International Organization for Migration (OIM).

32. For their part, civil society organizations told the IACHR that Law No. 169-14 was a potential, though limited way of addressing the impact caused by Judgment TC-168/13. They explained that the implementation of Law No. 169-14 by the JCE for people initially registered in the Civil Register (Group A), and by the Ministry of the Interior and Police for those born in the country but not registered (Group B), has created another set of obstacles to be overcome, including a serious problem in terms of provision of public services, lack of coordination between government agencies, and the need to break down a culture of discrimination in which the social origin and economic situation of citizens determine whether or not they can exercise their rights.⁴⁷

33. In addition, the State reported that on October 23, 2018, it began the process of delivering carnets to the 6,584 people who benefited from paragraph B of Law No. 169-14.⁴⁸ It said that 5 million Dominican pesos were spent on awareness and advertising campaigns,⁴⁹ which included public address announcements, buses in the *bateyes*, and messages in creole. The State said that 2,236 of those people had come forward and were being granted permanent residence.⁵⁰ The Dominican State also said that it had authorized UNHCR to access the immigration archives in order to facilitate the mapping of addresses and locations of beneficiaries of Law 169-14, but that people had not come forward. The State believes that beneficiaries have not been diligent enough in presenting themselves to receive their documents.⁵¹

34. On the above point, civil society said that the efforts of the UNHCR alone in working with the State were not sufficient and that pilot projects do not fulfill the objective of effectively implementing the law. They said that the documents need to be available, so that when people approach the authorities they can obtain them.

35. With regard to Group B, civil society said that of the approximately 110,000 to 145,000 people whom the Ministry of the Interior and Police estimated could benefit from Law No. 169-14, only 8,755

⁴⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴⁶ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴⁷ Civil society, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴⁸ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁴⁹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁵⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁵¹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

had registered with the PNRE. According to civil society, the low rates of participation can be put down to a variety of factors, including the absence of a media campaign targeting possible beneficiaries, lack of training for officials who analyze applications, an insufficient number of offices to receive applications, the time limit of 180 days to register, the general lack of confidence of those affected in the proposed system owing to the historical and structural discrimination, and additional obstacles imposed by offices and officials.⁵² Civil society reported that 10,263 cases of people have been identified who did not register in the PNRE but match the Group B profile.

36. With respect to the naturalization process, civil society said that it comprises four phases: receipt of applications by the Ministry of the Interior and Police, review by the National Intelligence Directorate, publication of the decree, and the oath of nationality. Civil society also said that the processing capacity of the Ministry of the Interior and Police is limited to 25 naturalization applications per day, and that the procedures that it uses contravene the law and raise doubts about obtaining nationality and the possibility of it being invalid. They said that the people born in the Dominican Republic in Group B have to register as foreign nationals and then apply for naturalization in a procedure that is uncertain. They said that this requirement is particularly problematic given the historical discrimination and the discretionary powers of civil registration officials.⁵³ In the case of minors, the situation is even more troubling as the law only envisages naturalization for adults. Finally, they are surprised by the State's reference to the existence of 6,500 people in Group B when the current statistics are lower.⁵⁴

37. The IACHR welcomes the important information provided by the State and civil society. In that regard, the Commission considers that advertising and awareness campaigns are needed to ensure that everyone in Group A is provided with documents and to inform those in Group B of the procedures available for their naturalization. The above is especially important given that as long as the persons affected do not have access to nationality, they will remain stateless. The Commission observes that people in Group B are in the most vulnerable position because there is no legal avenue to provide a lasting solution with regard to nationality. Without access to documentation and without nationality, those people are not recognized under the Dominican legal framework and face multiple obstacles when it comes to the effective realization of other rights. Based on the foregoing, the IACHR considers that the status of this recommendation is one of partial implementation.

38. With respect to **mechanisms to investigate and address potential cases of persons born from 2007 to 2010, who never had a birth record and did not apply through the statutory procedure, as well as the children of mixed couples**, the State admitted that it had no solution,⁵⁵ and that the JCE proposed to verify their data in order to corroborate their status.⁵⁰ In addition, the Dominican State said that it had established civil status registration units, the Birth Register for Children of Foreign Mothers Not Resident in the Dominican Republic for children of foreign aliens born after the promulgation of the General Immigration Law (Law No. 285-04) on August 15, 2004, and the Special Register for descendants of foreign nationals born prior to that law.⁵⁶

⁵² Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

⁵³ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

⁵⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁵⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁵⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁵⁶ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

39. For their part, civil society organizations said that there had been no significant progress on the issue⁵⁷ and that in the case of children of mixed nationality couples, hospitals continued to refuse to register or certify live births on the grounds of a lack of shifts, or because they claimed not to know what they were talking about, or because the documentation requested had supposedly been lost in the hospital archives.⁵⁸ The IACHR observes that on October 5, 2018, the Center for Immigration Observation and Social Development in the Caribbean (OBMICA) unveiled a tool designed to help prevent under-registration of births of children of mixed couples in the Dominican Republic.⁵⁹ The protocol gathers together lessons on the subject and seeks to act as a practical reference for community-based organizations and leaders that help people to find solutions to their situation.

40. In that regard, the IACHR considers that the measures necessary for assisting this sector of the population have not been addressed. In that sense, the IACHR considers that implementation of this recommendation remains pending and it underscores the need to come up with solutions to allow people to have a record of their birth and to have guarantees that protect them, so that they too can benefit from Law 169-14.

41. In relation to **measures to advance in the implementation of the National Regularization Plan for Foreigners (PNRE) and offer alternatives in order to gain access to immigrant registration and documentation**, the State said that the immigration categories recognized under Dominican law are those of resident and nonresident. The former may be temporary or permanent but in either case the individual is required to demonstrate their solvency, roots, or a direct relationship to a Dominican national. In the latter case, it is sufficient for the foreign alien to say that they are in the country for the purposes of tourism, study, business, or work.⁶⁰ The Immigration Law establishes a series of requirements in order to change immigration category, including a passport, a minimum workload accredited in a certificate of employment, a repatriation policy, and a medical examination, among others. The state said that 9 of the 11 requirements were eliminated for those benefited by the PNRE, but that even so only 9,600 people managed to meet the minimum requirements.⁶¹ It also said that all the carnets issued under the PNRE were valid for two years, which benefited approximately 190,000 foreign aliens.⁶² For migrants in an irregular situation, the State specified that it was not possible for them to obtain permanent or temporary immigration status as the law did not authorize it.⁶³

42. On this recommendation, civil society said that there was a great deal of uncertainty in relation to the immigration categories and that most migrants had temporary work permits; however, in general, those who had had their applications rejected received responses from the authorities that offered no reason for the decision.⁶⁴ In that regard, civil society highlighted the need to activate an administrative procedure enabling rejected applications to be appealed.⁶⁵

⁵⁷ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 11, IACHR Archive.

⁵⁸ Reconoci.do, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, p.5, IACHR Archive.

⁵⁹ OBMICA, [Providing access to the Dominican civil registry for descendants of mixed couples: Protocol for legal support](#), 2018.

⁶⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁶¹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁶² Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁶³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁶⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁶⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

43. The State explained that under Article 39 of Decree No. 319-2013, foreign nationals who benefited from the PNRE had to go to the General Directorate of Migration (DGM) to renew or change their immigration category. Regarding the process for renewal or change of category for foreign beneficiaries of the PNRE, the State said that on January 9, 2018, a second period of renewal or change of status for foreign aliens enrolled in the PNRE was launched in order to evaluate a total of 90,522 applications from those registered.⁶⁶

44. In that respect, civil society organizations said that obtaining the PNRE “*label/visa*” and a carnet does not grant the holder a particular immigration category or subcategory, but that it enables them to travel in Dominican territory and in some cases avoid being deported or detained; however, it does not allow the holder to engage in formal procedures, such as contracting, buying, or selling, or serve as identification in dealings with third parties or public entities.⁶⁷

45. Civil society also said that the period for renewal or change of category ended on August 26, 2018 and that as of yet there was no official word on how many people there were in the second period, although they calculate that at least 180,000 people benefited in that phase.⁶⁸ They also point out that only around 3 percent of beneficiaries of the PNR obtained a temporary residence permit and a Dominican personal identity card and that the majority were put in the “General Nonresident Category.”⁶⁹

46. Civil society organizations also reported a series of problems in relation to the scope of the category renewal or change period. They mentioned that the period was only available in 16 of the country's provinces and, as provincial offices closed, the interested parties or the documents were sent to Santo Domingo, which made access difficult for many people. They cited the case of the Province of Monte Plata, where the offices did not open, and when the interested parties went to Santo Domingo they had difficulties being found in the database, despite having their carnets or PNRE “*label/visa*.”⁷⁰ They also expressly requested that registration units be set up in Monte Plata and other regions to enable access to documents.⁷¹

47. The State responded that it made a general investment to open 15 registration centers in other provinces of the country. Those centers closed on August 26, 2018, precisely as the law indicated in relation to the operation.⁷² In the case of Monte Plata, 6,011 foreign nationals came forward to regularize their situation. Taking the view that few people had registered in that province, the State requested that they merge and assist a nearby province, which was why they were assigned to Santo Domingo. The State reported that arrangements had begun to be made to bus the people from Monte Plata to Santo Domingo.⁷³

48. In relation to mechanisms available to those who were rejected by the PNRE, civil society mentioned that, in practice, that group of people were not receiving a reasoned notification from the General Directorate of Migration explaining why their applications were denied, and that in the case of those who

⁶⁶ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 13, IACHR Archive.

⁶⁷ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 1, IACHR Archive.

⁶⁸ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 2, IACHR Archive.

⁶⁹ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 1, IACHR Archive.

⁷⁰ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 3, IACHR Archive.

⁷¹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁷² Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁷³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

were placed in an immigration category unfavorable to their interests, Decree No. 327-13 does not provide any mechanism to challenge or change the decision.⁷⁴

49. During the proceedings of the Working Group, the State reported that as a result of the implementation of the PNRE, the Ministry of the Interior and Police initiated a close relationship with civil society and set up assistance centers throughout the country.⁷⁵ The State explained that 288,400 foreign nationals applied in the operational process started in 2014.⁷⁶ They included more than 260,000 people who met the requirements to regularize their immigration status.⁷⁷ Finally, the State said that 249,768 applications were approved, which included 16,500 family units and 38,214 members of family units.⁷⁸ In addition, the State said that the PNRE granted ordinary temporary resident status to 7,834 people and nonresident status to 254,414. Those granted resident status receive an identity card and a regularization carnet, while those in the nonresident category only receive a regularization carnet.⁷⁹ The state said that the process of handing out carnets for those granted temporary residence permits began on October 23, 2018 and that, to date, 5,650 people had come forward to renew and receive their carnets⁸⁰ As for those placed in the nonresident category, the State said that a total of 203,796 documents had been submitted and evaluated as of August 26, 2018.⁸¹ In all, immigrant carnets have been given to a total of 178,000 foreign nationals, while 49,000 people have not come forward.⁸² The State also reported that some people had been withdrawn from the PNRE after being found to be in noncompliance with certain legal requirements, including having a criminal record.⁸³ The General Directorate of Migration, for its part, said that a total of 210,440 foreign nationals benefited from the PNRE.⁸⁴

50. In relation to the foregoing, the IACHR notes that civil society mentioned that the carnet change and renewal process was not initiated in the Province of Monte Claro or any of its municipalities and that they did not know what the strategy was as regards the options available to those who did not collect their documents.⁸⁵ They also mentioned that all regional offices are now closed and the documents were sent to Santo Domingo, ruling out the possibility of an application procedure at the regional level.⁸⁶

51. The Commission takes note of the important information provided by the State and welcomes its decision to initiate renewal processes to enable people in the Dominican Republic to regularize their status. However, the IACHR observes with concern that there is a lack of universal access without discrimination to the implementation phase of the PNRE. The IACHR believes it is important to take into

⁷⁴ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 4, IACHR Archive.

⁷⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁷⁶ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁷⁷ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁷⁸ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

⁷⁹ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

⁸⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁸¹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁸² Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁸³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁸⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁸⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁸⁶ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

account the practical obstacles preventing people from meeting the requirements established by law and the PNRE that are impeding their access to its benefits, especially that of obtaining a passport. In that regard, the IACHR was informed of a note issued by the Ministry of the Interior of Haiti announcing the decision to suspend the issuance of passports in the Dominican Republic.⁸⁷ The IACHR considers that that decision exposes another practical difficulty faced by the mainly Haitian, foreign population applying for access to the PNRE and other immigration categories envisaged by Dominican law. Based on the foregoing, the IACHR considers that the status of this recommendation is one of partial implementation.

52. As regards to **measures to improve and ensure the security and safety of migrants**, the Dominican State reported that on August 28, 2018, it fulfilled its commitment to publish the preliminary report on the Second National Survey of Immigrants (ENI-2017).⁸⁸ According to the survey's findings,⁸⁹ there were 570,933 immigrants in the Dominican Republic in 2017, of whom 87.2 percent were born in Haiti, while the population of foreign origin, comprising immigrants and descendants of immigrants, numbered 847,979, the equivalent to 8.3 percent of the country's total population. In addition, ENI-2017 found that the immigrant population had swelled by 50,000 over the previous five years. The rise was driven by traditional migrant labor from Haiti as well as new migratory flows from Venezuela. In relation to the latter country, the survey reported an increase of 653 percent.

53. On the issue of Venezuelan migrants, the State told the IACHR that it had information on approximately 33,000 Venezuelans in the country as of November 2018.⁹⁰ The State added that it had developed a draft proposal to facilitate the regularization of Venezuelans already in the Dominican Republic. It also said that the majority of those people did not have a visa, having entered the country as tourists, and that they were working, which meant that they ran the risk of being deported.⁹¹

54. With regard to trafficking of persons, the IACHR notes that the General Directorate of Migration said that it had received no reports of child victims of human trafficking networks.⁹² In spite of that, the IACHR considers it important for the Dominican State to ensure the existence of identification and protection mechanisms for human trafficking victims.

55. In relation to measures to ensure access to the asylum system, the State reported that a proposed law had been presented containing rules governing asylum, its request and granting, and applications from refugees in Dominican territory.⁹³ The Ministry of Foreign Affairs, Office of the Attorney General, Ministry of the Interior and Police, and National Refugee Council have been holding interagency meetings since July 2017 with a view to finalizing the proposed law.⁹⁴ The draft is currently under review and the State said that the goal is for the law to be adopted in the initial months of 2019.⁹⁵ The State also said that once someone is recognized as a refugee they are granted temporary resident status in accordance with

⁸⁷ Acento, [Haití suspende emisión de pasaportes en República Dominicana tras denuncias](#), October 1, 2018; Proceso, [Haití cancela emisión de pasaportes en consulados RD](#), September 30, 2018; Prensa Latina, [Gobierno haitiano suspende emisión de pasaportes en Dominicana](#), October 2, 2018.

⁸⁸ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 1, IACHR Archive.

⁸⁹ Dominican Republic, [Informe preliminar sobre metodología y resultados de la Segunda Encuesta Nacional de Inmigrantes](#) [Preliminary Report on the Methodology and Results of the Second National Survey of Immigrants], April 19, 2018.

⁹⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁹¹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁹² Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁹³ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

⁹⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁹⁵ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

Article 35(6) of the General Migration Law (Law No. 285-04), which accords them the same rights and obligations as temporary residents.⁹⁶

56. With respect to numbers of asylum requests, the State said that from 2010 to 2015, there were 29 requests per year, on average. In 2016 there were 21 requests, 5 of which have been resolved. In 2017 there were 20 requests of which 3 have been resolved. As of July 25, 2018, 15 requests had been made and were in the process of examination and finalization of the dossiers. At present there are four people in the Dominican Republic with refugee status: two of them are Syrian nationals, one Iraqi, and one Cuban.⁹⁷

57. The IACHR notes the emphasis that civil society has placed on the need to pass the proposed law on asylum in order to strengthen the Dominican legal framework, which consists only of Decree 2330 of 1984 that created the National Committee for Refugees. They consider that the Dominican Republic needs a system that would enable people to obtain refugee status with the attendant protections.⁹⁸

58. As regards measures guaranteeing access to rights on Dominican soil, the State informed the United Nations Human Rights Council that it provides provisional documents as alternative legal protection mechanisms to vulnerable migrants, which allow them to stay provisionally in the Dominican Republic. Thus, it offers the Special Stay Carnet for PNRE beneficiaries, the Short-term Permit for human trafficking and migrant smuggling cases, and the Refugee Certificate.⁹⁹

59. On the subject of cane workers, the IACHR takes note of the need expressed by civil society to introduce greater flexibility to the requirements for cane workers to access their pensions. In that connection, civil society proposed to the State the use of Sugar Council data sheets as evidence of identification and documentation of cane workers and their families.¹⁰⁰ During the first meeting of the Working Group, the State said that guaranteeing the rights of cane workers was a historical debt that the Dominican Republic owed those migrants and it gave assurances that it would adopt measures to make that a reality.¹⁰¹ At the second meeting of the Working Group the State said that the Dominican Social Security Institute was the entity in charge of granting pensions and that it had to carry out a study on the requirements for cane workers to access their pensions.¹⁰² The State undertook to conduct a review of the situation of those without identity documents. However, it said that based on information from the JCE, of the 2,709 cane workers recruited, 1,917 had already been issued identity documents and 792 were waiting to receive them.¹⁰³ The State reiterated its pledge to ensure that everyone was attended to.

60. The IACHR values as positive the State's recognition of the historical debt owed in terms of guaranteeing the rights of cane workers and their families. The IACHR believes it important to introduce a procedure to facilitate access to identity cards, which could be achieved by issuing a document establishing a

⁹⁶ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, par. 170, p.19.

⁹⁷ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 15, IACHR Archive; Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, pars. 170, p.19.

⁹⁸ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

⁹⁹ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, par. 168, p.19.

¹⁰⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁰¹ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

¹⁰² Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁰³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

simple procedure for obtaining access to pensions and documents that cane workers and their families need to request them. The Commission also urges the State to appoint a government representative to address specific cases and underscores the need to establish a working procedure for follow-up of the issue and to guarantee access for cane workers and their families to their pensions as soon as possible.¹⁰⁴

61. With reference to measures for ensuring access to education, health care, and housing services for migrants in the territory of the Dominican Republic, the State said that even if a migrant is in an irregular situation, under Administrative Resolution No. DGM6-2013, the General Directorate of Migration provides them with a document granting them a provisional stay in the country and protecting the exercise and enjoyment of their rights until their actual immigration status is confirmed.¹⁰⁵

62. For their part, civil society organizations reported on progress free access to the education system, and in the case of those with formal employment, access to the health system. However, they drew attention to challenges, particularly the lack of interpreters in the public health system, the non-eligibility of migrants for state housing, and the fact that the homes purchased or built by migrants are legally uncertain because of the difficulty of acquiring property titles.¹⁰⁶

63. In that connection, at 5 regional meetings organized by civil society organizations in Barahona, Monte Claro, Puerto Plata, El Seibo, and Santo Domingo, 825 people covered by Law No. 169-14 stated that they had the following problems: the impossibility of declaring or effectively registering minor descendants of those adversely affected; unemployment, forced labor, poorly paid work, or informal employment to which they have to resort because they lack documents; economic precariousness and development limitations in batey communities; impaired life plans, impossibility of access to education grants; loss of employment and academic opportunities; homelessness; difficulties with the provision of public services at the JCE and Ministry of the Interior and Police; and the high cost of travel and document application procedures, among others.¹⁰⁷

64. In relation to training for state personnel, the Dominican State said that over the previous five years it had provided training in due process and human rights protection for its staff with the support of the National Institute of Migration (INM), as well as domestic and international agencies and organizations. Although it did not provide details as to the amount and content of that training, civil society organizations, for their part, said that not many activities had been carried out with civil society in that regard.¹⁰⁸

65. The IACHR notes that the State presented the first National Plan on Human Rights of the Dominican Republic (PNDH) on December 10, 2018;¹⁰⁹ however, it observes with concern that the contents of the plan have not been made public. In that connection, during the second meeting of the Working Group civil society organizations said that the adoption and effective implementation of the Plan could represent progress in terms of assurance and full enjoyment of human rights. Having said that, they expressed their concern at the failure to include comments and recommendations made at participation forums organized for civil society organizations. Civil society also expressed their discontent with the fact that the issue of restitution of nationality is not included in the Plan's contents.¹¹⁰

¹⁰⁴ Dominican Republic, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 24 and 25, 2018, IACHR Archive.

¹⁰⁵ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 3, IACHR Archive.

¹⁰⁶ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 6, IACHR Archive.

¹⁰⁷ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 5, IACHR Archive.

¹⁰⁸ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 7, IACHR Archive.

¹⁰⁹ El Caribe, [Cancillería presenta primer Plan Nacional de Derechos Humanos de RD](#), December 10, 2018.

¹¹⁰ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 12, IACHR Archive.

66. The IACHR highlights with concern that it received information about an alarming increase in racist and xenophobic messages in the news media and on social network platforms, as well as of groups promoting hate and violence against migrants, Dominicans of Haitian descent, broadcasters, and human rights defenders.¹¹¹ In that regard, the IACHR notes that marches traditionally held on September 23 were suspended because civil society organizations felt it necessary to avoid situations of risk.¹¹² In addition, the event to launch the advocacy manual *Asegurando el derecho a la nacionalidad sin discriminación y combatiendo la apatridia en República Dominicana* [Ensuring the Right to Nationality without Discrimination and Combating Statelessness in the Dominican Republic] was interrupted when it was about to begin by acts of violence by groups opposed to people of Haitian descent.¹¹³ In addition, various media outlets¹¹⁴ reported that on December 23, 2018 a peaceful march to promote sports that had been organized by a Haitian group was suspended following threats of a "bloodbath" posted by members of xenophobic groups on social media platforms.¹¹⁵ As a result of the above, civil society organizations told the IACHR that as a temporary measure they had decided not to publicly share plans of their activities in advance.¹¹⁶ According to civil society organizations and international agencies, such events have had an impact on the work of human rights defenders,¹¹⁷ to the extent that some had had to leave the country and seek international protection abroad.

67. The IACHR notes with concern the absence of a comprehensive public policy aimed at prevention, protection, punishment and reparation of acts of violence and discrimination to which migrants—especially Haitian nationals—and people of Haitian descent born in the Dominican Republic are subjected.

68. The IACHR recalls that the discrimination against Haitian migrants is multidimensional, which means that the policies the State adopts must be comprehensive and encompass more than the areas in charge of security and immigration policy. With the situation as it now stands, all areas of the government must be involved, and coordination and cooperation among authorities in the three branches of government are essential to ensuring respect for and protection of migrants' human rights, regardless of their migratory situation. Accordingly, the IACHR considers that the status of this recommendation is one of partial implementation.

69. Finally, in relation to **actions to prevent unlawful expulsions and deportations**, the General Directorate of Migration reported that in 2018, 132,322 foreign nationals from 35 countries who were in the Dominican Republic irregularly or in violation of Law No. 285-04 were repatriated or refused admittance between January and December 2018.¹¹⁸

¹¹¹ Dominican@s por Derecho, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 12, IACHR Archive.

¹¹² Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹¹³ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹¹⁴ CDN, [Nacionalistas se manifiestan exigiendo la deportación de los haitianos, November 23, 2018.](#)

¹¹⁵ National Human Rights Commission, [CNDH-RD condena debilidad y actitud irresponsable del director de la Policía Nacional y del Procurador General de la República ante violencia de grupos xenófobos, December 23, 2018;](#) El Nuevo Herald, [Marcha en Dominicana contra los 'invasores' haitianos se torna violenta, December 23, 2018.](#)

¹¹⁶ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹¹⁷ United Nations, Human Rights Council, Summary of Stakeholders' submissions on Dominican Republic, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/32/DOM/3, Working Group on the Universal Periodic Review, Thirty-second session, 13 November 2018, pars. 29 and 30; United Nations, Human Rights Council, [Compilation on the Dominican Republic](#), Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/32/DOM/2, Working Group on the Universal Periodic Review, Thirty-second session, 13 November 2018, par. 20.

¹¹⁸ Diario Libre, [Más de 132 mil extranjeros fueron deportados y no admitidos por Migración durante el 2018, January 8, 2019.](#)

70. The IACHR notes that the State reported that the General Directorate of Migration has a deportation protocol that was developed in 2015 based on international standards and Dominican domestic law,¹¹⁹ with support from the IOM, UNHCR, the European Union, and other international agencies that took part in a working group that was installed to discuss and design the protocol;¹²⁰ as well as in conjunction with the Haitian State. The State also mentioned the support provided by the UNHCR to the General Directorate of Migration's Migratory Interdiction Units to verify observance of human rights.¹²¹

71. The State informed the United Nations Human Rights Council that it has trained its staff in the use of these protocols and the law. Under those protocols, the detention of migrants whose status is irregular is used as a last resort when the other avenues of recourse described in migration protocols and regulations have proved insufficient.¹²² The State said that, having been detained, the individuals concerned are sent to reception centers for a second status review in order to confirm whether they are in an irregular situation or should be released.¹²³ According to official figures, in 2017, 89,184 irregular migrants were detained but 43,971 of them were released following the second status review.¹²⁴

72. With respect to deportation, the State reported that all pre-deportation requirements are verified as part of the detention processing and expulsion proceedings, and that due process is guaranteed. The deportation and detention order sets out the reasons for issuance and the means of recourse open to foreign nationals, including their right to communicate with relatives, to have access to a translator and lawyer, to obtain information from embassies and consulates and to view their information file, *inter alia*.¹²⁵ Finally, the State specified that it follows a policy of not detaining or deporting vulnerable migrants, such as unaccompanied children and teenagers, pregnant or breastfeeding women, older persons, persons suffering from an illness requiring special care, persons enrolled in the PNRE and persons who have refugee status or are seeking asylum.¹²⁶

73. In addition, the State reported that it has a voluntary return policy open to migrants from Haiti as an alternative to deportation, in accordance with Decree No. 327-13 on the PNRE, which ensures that foreign nationals who did not sign up for the Regularization Plan may return to their country of origin. The State said that there were 2,626 voluntary returns in 2017 and 1,020 to date in 2018.¹²⁷

74. In relation to the foregoing, civil society organizations mentioned that batey and border communities live permanently on edge due to constant inspections and detentions for migration related reasons. They also said that checkpoints, crossing through military bases where searches are made, as well as

¹¹⁹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹²⁰ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹²¹ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹²² Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, pars. 163-164, p.19.

¹²³ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, pars. 163-164, p.19.

¹²⁴ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, pars. 163-164, p.19.

¹²⁵ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, par. 166, p.19.

¹²⁶ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, par. 167, p.19.

¹²⁷ Dominican Republic, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#), A/HRC/WG.6/32/DOM/1, United Nations General Assembly, Working Group on the Universal Periodic Review, Thirty-second session, November 7, 2018, par. 169, p.19.

requests for identity documents from travelers in order to continue their journey are commonplace.¹²⁸ Civil society organizations referred to the cases of at least 13 Dominicans of Haitian descent who were arbitrarily detained and transported to the border in November and December of 2018.¹²⁹

75. Another of the concerns that civil society expressed to the IACHR has to do with the short-term or prolonged deprivation of liberty as a result of sweeps carried out at the entrances to bateyes by government officials. According to their descriptions, people are randomly apprehended, put in patrol cars, and taken to jails, frontier towns, or La Haina Immigration Detention Center.¹³⁰ Civil society organizations also mentioned that people are often subjected to extortion attempts and that inspectors are not familiar with the documents that people carry, including those recognized by Law No. 169-14, which often results in accusations from officials that the documents are false or have expired.¹³¹

76. Civil society organizations also said that they were unaware of the existence of any protocol on expulsions and deportations of migrants, which is why the State uses immigration control raids, which can occur anywhere and at any time, including at places of work, public transport facilities, or places frequented in the late-night/predawn hours.¹³² Civil society organizations expressly requested the State to diverge that protocol so as to know how deportation processes operate.¹³³ Civil society also said that there had been no progress in relation to the guarantee of due process in expulsions.¹³⁴

77. The Commission recalls that in the context of the application of immigration laws, the fundamental right to equal protection and to non-discrimination obligates the States to ensure that its policies and enforcement of the law are not unjustifiably aimed at certain individuals based on their ethnic or racial features such as color of the skin, accent, ethnicity, or particular area of residence known for having a specific ethnic population.¹³⁵

78. The IACHR notes with concern that the State does not have a specific policy for reducing immigration detentions, despite the fact that, following the adoption of the National Regularization Plan for Foreigners, special protocols or procedures exist for confirming people's identities and verifying their status in the Dominican Republic.¹³⁶ At the same time, the IACHR considers it important for the State to make public the protocols in place on deportations and expulsions, so that civil society knows about them, to ensure that those instruments include guarantees with respect to human rights, and there is greater predictability and knowledge about the provisions they contain.¹³⁷ In that way, family units could be offered greater protection, the best interest of the child can be guaranteed, and the existence of guarantees of non-refoulement or

¹²⁸ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹²⁹ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹³⁰ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹³¹ Dominican@s por Derecho, Hacia la construcción de compromisos para la búsqueda de soluciones efectivas a la problemática de la desnacionalización y apatridia en República Dominicana: Un balance al 2018, Informe complementario preparado por el colectivo Dominican@s por Derecho para la Comisión Interamericana de Derechos Humanos, December 2018, IACHR Archive.

¹³² Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, 2018, p. 6, IACHR Archive.

¹³³ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹³⁴ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹³⁵ IACHR, Report on the Situation of Human Rights in the Dominican Republic, OEA/Ser.L/V/II. Doc.45/15, December 31, 2015, par. 602;

¹³⁶ Dominican Republic, Response to the questionnaire for the first meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 14, IACHR Archive.

¹³⁷ Dominican Republic, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, November 20 and 21, 2018, IACHR Archive.

deportation for people in Group B of Law 169-14, as well as for those not eligible to benefit from Law 169-14 or the PNRE could be ensured. Based on the foregoing, the IACHR considers that this recommendation has been partially implemented.

B. Policies to combat all forms of discrimination

8. State measures to strengthen anti-discrimination efforts. In particular, laws and concrete programs specifically targeted to eradicate discrimination against vulnerable populations.

79. **With respect to State measures to strengthen anti-discrimination efforts, particularly laws and concrete programs specifically targeted to eradicate discrimination against vulnerable populations**, the Commission notes the adoption of the National Plan on Human Rights on December 10, 2018, in keeping with the request from civil society organizations that took part of the first meeting of the Working Group to follow up on recommendations held in June 2018.¹³⁸

80. The IACHR also highlights information received from the State that institutional awareness measures have been adopted, including changes in the education system and sensitization of teachers in Dominican schools.¹³⁹ However, the IACHR has not yet received detailed information from the Ministry of Education about the contents of primary and secondary school syllabuses in the national education system, showing that the curriculum has been updated, including historical elements about the African diaspora, analysis of the ethno-racial composition of Dominican society, and Africa's cultural contributions to the country's social makeup.¹⁴⁰

81. In particular, the IACHR recommends that the State implement sensitization campaigns to: (i) encourage awareness in Afro-descendants about their rights; (ii) promote self-identification by Afro-descendants; (iii) draw attention to the continuity of patterns of ethno-racial discrimination; (iv) promote changes in sociocultural patterns that discriminate against people of African descent; and (v) raise awareness and train government officials, particularly State security forces personnel, judges, and judicial operators.

82. The IACHR urges the State to provide training in the area of ethno-racial discrimination that targets, without being limited to, the Ministry of Labor, Ministry of Defense, Ministry for Women, Office of the Attorney General, Central Electoral Board, Ministry of Health, Ministry of Education, Ministry of the Presidency, National Congress, Supreme Court of Justice, Constitutional Court, Superior Electoral Tribunal, and the Ombudsman's Office.

83. Likewise, the IACHR notes the measures that the Dominican State wishes to adopt in relation to the DGM, including adoption of protocols, review of best practices, follow-up on complaints, awareness raising, and training for staff.¹⁴¹ However, according to information that the IACHR received at the second meeting of the Working Group, so far there have been no concrete measures to prevent, combat, and punish acts of ethno-racial discrimination by employees of that agency.

84. Finally, the Commission notes with concern the absence of concrete policies with measures targeting: (i) the Ministry of Labor in relation to discrimination in the workplace; (ii) the Ministry of Defense, particularly the National Police and CESTUR, with respect to discriminatory practices by agents who engage in racial profiling; (iii) the adoption of laws punishing hate speech in accordance with the American Convention on Human Rights and standards established by the Commission and Inter-American Court; and

¹³⁸ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹³⁹ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁴⁰ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁴¹ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

(iv) ratification of the Inter-American Convention Against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance. Based on the foregoing, the IACHR finds that implementation of the recommendation remains pending.

85. In the framework of discussions regarding state measures to strengthen the fight against discrimination, during the first meeting of the Working Group in Washington, D.C., in July 2018, civil society included the topic of the rights of LGBTI persons in the context of efforts to combat discrimination towards vulnerable populations. In that regard, the IACHR took note of the information presented by the State with regard to the fact that the issues of sexual orientation, gender identity and expression, and sexual characteristics are still a novelty in Dominican society, and that more dialogue was therefore required on the various concepts that go into the issue.¹⁴² The State also provided information on training imparted to civil servants and reported that it has requested and reaffirmed the commitment to provide training and awareness courses with technical support from the IACHR on issues relating to diversity, which includes LGBTI rights.¹⁴³ The commitment is still being finalized, according to requests presented by civil society organizations, which have indicated the need for state agents, particularly CESTUR and National Police agents, to receive training in order to eradicate stigma and prejudice; they also noted the need for guidelines and action protocols for prosecutors to identify and protect the special needs of persons in vulnerable situations, including LGBTI people, to be addressed.¹⁴⁴

86. At the same time, civil society organizations have noted the existence of an environment of discrimination against LGBTI people in the Dominican Republic further exacerbated by intersectionality with other issues, such as nationality, race, ethnicity, faith, and gender, which remains present not only in state institutions, but also in social patterns, as is reflected in areas as education, healthcare, and access to justice and employment, among others.¹⁴⁵ Furthermore, according to civil society organizations, since 2014 the Central Electoral Board has been using regulations to impose certain restrictions on the photograph and appearance of people on their identity and voting cards, which adversely affects the right to free gender expression.¹⁴⁶

87. In that connection, the Commission has indicated on a number of occasions that the States play a crucial role in leading social change to combat discrimination and social prejudices through laws and state policies directed at educating the public about human rights with a gender and diversity perspective that are not restricted to educational settings. Rather, they should be crosscutting in every field in which the State operates.¹⁴⁷ The Commission underscores the importance of regular and sustained training for public officials on sexual orientation, gender identity and expression, body diversity, and the challenges that such people face. That is particularly important for public servants involved in justice administration as well as in educational, workplace, and health care environments. To that end, it is necessary to specify that such processes advance by recognizing the rights of LGBTI persons and that, at the same time, they strengthen protections against all the different types of discrimination and prejudice to which such individuals are exposed.

88. The Dominican State also informed the IACHR of its fulfillment of the commitment to launch the first National Plan on Human Rights that it gave at the first meeting of the Working Group. As it was mentioned, the National Plan on Human Rights unveiled on December 10, 2018, highlights the commitment to revise laws in order to criminalize discrimination in all its forms as well as hate crimes, including those

¹⁴² IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁴³ IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁴⁴ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁴⁵ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁴⁶ Meeting between the IACHR and civil society, Working Group on Implementation of Human Rights Policies in the Dominican Republic, May 2018.

¹⁴⁷

motivated by sexual orientation and gender identity, in order to establish effective and suitable mechanisms to investigate, prosecute, and punish discriminatory conduct.¹⁴⁸ In the opinion of the IACHR the Plan fulfills a demand put forward by civil society, which, according to information provided, took part in a broad consultation process during the Plan's drafting.¹⁴⁹ The Commission welcomes the launch of the Plan, which represents a significant stride in terms of recognition of the rights of LGBTI persons in the country, and recalls that respecting and guaranteeing human rights does not end with the drafting and publication or adaptation of legal frameworks and public policies, but that it also requires such measures to be practically and effectively implemented in people's lives.

89. During the two meetings of the Working Group the Dominican State also provided information on progress in the preparation of the Proposed General Law on Equality and Nondiscrimination, a process under the coordination of the National Council for HIV/AIDS (CONAVIHSIDA). The State said that the draft had been completed and was being analyzed by the Executive Branch with a view to its submission to the Dominican Congress in due course.¹⁵⁰ Civil society organizations complained about the time that it was taking for the proposed law to make its way to the Legislative Branch and noted their concern about the importance that the bill takes into account and includes the comments presented by civil society.¹⁵¹ The Commission recalls that the creation and implementation of antidiscrimination laws and policies are essential for ensuring protection from the vulnerability, and inequality, violence, and exclusion to which LGBTI people are subjected. The IACHR notes that the participation of the communities whose lives would be impacted by such policies is essential in their design, construction, dissemination, monitoring, and assessment, so that they can see that their priorities are being taken into account, thereby advancing effective inclusion, ensuring a more egalitarian society, and strengthening a representative and diverse democracy.

90. In addition, during the first and second meetings of the Working Group, the IACHR received information from the State about the work of the Human Rights Unit of the Public Prosecution Service (*Ministerio Público*), which since 2012 has been performing the function of providing access to justice without discrimination for people in situations of vulnerability and has provided training for judges and prosecutors on the rights of groups exposed to such situations.¹⁵² On this point, civil society organizations have mentioned the need to convert the Unit into an Office of a Special Attorney for Human Rights and to increase its budget appropriation.¹⁵³ The change would give that section of the Public Prosecution Service standing to initiate judicial proceedings against crimes involving violence against traditionally discriminated and vulnerable groups. The IACHR views effective legal counsel and representation as essential to ensure victims' access to justice, especially in the case of lesbian, gay, bisexual, trans, and intersex persons. Based on the foregoing, the IACHR finds that in relation to discrimination based on sexual orientation, gender identity/expression, and body diversity the status of the recommendation is one of partial implementation.

C. Women's rights and gender equality

9. Measures required to amend the regulatory and legal framework in order to ensure for all women, without discrimination, effective enjoyment of their sexual and reproductive rights.

10. Concrete actions to ensure access, on an equal basis, to services of sexual and reproductive health, in particular for women and girls with disabilities, in a situation of vulnerability because of their socioeconomic

¹⁴⁸ Ministry of Foreign Affairs of the Dominican Republic, [National Plan on Human Rights of the Dominican Republic 2018-2022 \(PNDH\)](#), December 10, 2018, p. 85.

¹⁴⁹ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, IACHR Archive.

¹⁵⁰ IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁵¹ Civil society, Response to the questionnaire for the second meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, IACHR Archive.

¹⁵² IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁵³ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

origin, their race or ethnicity, for their sexual orientation, gender identity, their immigration status and/or for their geographic location.

11. Programs aimed at achieving universal coverage, on an equal basis, of the health care system for gestating women and women of reproductive age—from 15 to 49 years old.

12. Measures to strengthen the gender perspective in the country's criminal justice system, including the training of judges and justice operators, through an inter-institutional approach with the relevant entities of the State to contribute to combating impunity for violence against women.

91. **With respect to the recommendation to adopt measures required to amend the regulatory and legal framework in order to ensure for all women, without discrimination, effective enjoyment of their sexual and reproductive rights**, the Commission highlights information received from the State that since the adoption of the Criminal Code that maintained the ban on abortion in all circumstances in 2016, the Government and its institutions have kept their commitment to follow up on this recommendation.¹⁵⁴

92. The Commission notes that on July 15, 2018, government institutions and a delegation of members of the Dominican Congress accompanied the coalition of women's organizations in presenting a manifesto demanding the adoption of a criminal code that respects women's rights. The Commission also recognized the reiteration of that commitment, as expressed by State representatives to the IACHR and civil society representatives in the course of the activities of the Working Group.¹⁵⁵

93. For their part, civil society organizations recognized the efforts of the executive branch to support the decriminalization of abortion in three situations (when the woman's life or health are at risk, when the pregnancy is not viable, and when the pregnancy is the result of rape or incest), especially the opposition of president Danilo Medina to the draft Criminal Code.¹⁵⁶ The IACHR notes that both parties at the follow-up Working Group agreed to address the decriminalization of abortion in certain circumstances as a key issue of respect and guarantees for women's rights, and to insist on their need from a public health perspective, as the issue was assumed by representatives of the Ministry of Health,¹⁵⁷ as well as in response to demands from Dominican society, as expressed by civil society representatives.¹⁵⁸ Civil society representatives reiterated the need for efforts to implement this recommendation to continue. In particular, they asked the State to adopt measures to improve dialogue between its different branches in order to bring the Dominican regulatory framework into line with inter-American standards in such matters.¹⁵⁹ Likewise, as part of the dialogue to follow up on this recommendation, civil society representatives reiterated their request to the State to bring about the approval of the proposed law on sexual and reproductive health,¹⁶⁰ which, according to information obtained by the Commission, has yet to be approved.¹⁶¹

¹⁵⁴ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁵⁵ Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁵⁶ Office of the President of the Republic, [Letter from President Danilo Medina to the President of the Senate opposing the Criminal Code](#), December 19, 2016; IACHR, [2017 Annual Report, Chapter V. Follow-Up on the Recommendations Issued by the IACHR regarding the Situation of Human Rights in the Dominican Republic](#), pars. 87 and ff.

¹⁵⁷ IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁵⁸ Civil society representatives said that, according to the National Survey on Abortion published by the firm Untold Research, 79 percent of those polled thought that abortion should not be criminalized when the woman's life or health are at risk, 76 percent when the pregnancy is not viable, and 67 percent when the pregnancy is the result of rape or incest. (Agencia EFE, [Una encuesta revela que los dominicanos favorecen despenalizar el aborto en las 3 causales](#), June 14, 2018); IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁵⁹ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁶⁰ Profamilia, [Resumen del Proyecto de Ley sobre Salud Sexual y Salud Reproductiva](#), 2013.

94. In this connection, the Commission has underscored that laws that criminalize abortion outright have an adverse effect on women's dignity, on their rights to life, personal integrity, and health, and in general on their right to live free from violence and discrimination. With respect to the outright criminalization of abortion, the Commission was informed that according to the statistics of the Supreme Court of Justice, between 2014 and 2017, 26 cases were prosecuted at the preliminary inquiry stage and 4 at first instance for violation of Article 317 of the Dominican Criminal Code, which criminalizes abortion.¹⁶² The Commission reiterates that the outright criminalization of abortion, including in cases where the woman's life is at risk and when the pregnancy results from a rape or incest, imposes a disproportionate burden on the exercise of women's rights and creates a context that facilitates unsafe abortions and high rates of maternal mortality.¹⁶³ Based on the foregoing, the IACHR finds that implementation of the recommendation remains pending.

95. **As to the recommendation to adopt concrete actions to ensure access, on an equal basis, to sexual and reproductive health services for all women, girls, and adolescents, in particular those in a situation of vulnerability,** the Commission has obtained relevant information on the State's efforts to implement this recommendation. The IACHR received information concerning Dominican constitutional provisions enshrining the fundamental right of all persons to comprehensive healthcare and establishing that "[t]he State shall ensure, through legislation and public policies, the exercise of the economic and social rights of the low-income population and, consequently, shall provide its protection and assistance to vulnerable groups and sectors, shall fight social vices with the appropriate means and with the aid of international agreements and organizations." In relation to the foregoing, the State said that there are no legal obstacles to access to the Dominican health system.¹⁶⁴

96. The IACHR was also informed about the implementation of various measures, including the policy on sexual and reproductive health; the sexual and reproductive health counseling manual; the contraception protocol; and the contraceptive promotion strategy, through the placement of condom vending machines to facilitate access for the youth and teenage population.¹⁶⁵ In particular, the Commission underscores the distribution of a kit that includes an emergency contraceptive pill and antiretroviral drugs at all public hospitals, as well as the introduction of a protocol for handling such cases; implementation of a contraceptive information and distribution section at all health facilities, including primary care units; and government budget spending on the provision and promotion of a variety of contraceptive products.¹⁶⁶ According to information provided by the State, that annual investment has allowed distribution of contraceptive methods from more than 200 "people's pharmacies" (*farmacias del pueblo*) nationwide, which provide free contraceptives via the public services network, from the first level of care through to specialized care facilities, without discrimination on the basis of race, gender, migratory status, or geographic location.¹⁶⁷

¹⁶¹ IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁶² Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁶³ IACHR, Press Release No. 165/17, [IACHR Urges All States to Adopt Comprehensive, Immediate Measures to Respect and Protect Women's Sexual and Reproductive Rights](#), October 23, 2017.

¹⁶⁴ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁶⁵ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁶⁶ The Ministry of Health allocates a large portion of its annual budget (around US\$1.4 million) to the purchase of modern contraceptive methods, including pills, mini-pills, morning-after pills, subdermal implants, IUDs, female and male condoms, and quarterly injections. (Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.)

¹⁶⁷ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

97. The IACHR also received information about the creation of sexual and reproductive health counseling centers at locations near La Altagracia and Los Mina maternity units, the implementation of teen pregnancy prevention programs,¹⁶⁸ and the activities carried out since the opening of the Comprehensive Adolescent Health Promotion Center by the Ministry for Women in 2016.¹⁶⁹

98. The Commission also notes that, as part of the dialogue to follow up on this recommendation, civil society representatives reiterated their requests to the State¹⁷⁰ to include the Ministry of Health in the Working Group to follow up on recommendations with the IACHR, the State, and other counterparts; implement norms, protocols, and systems of penalties for health professionals who violate their duty of care to women, girls, and adolescent females; and include provisions relating to sex education in the amendments to Law No. 66-97.¹⁷¹

99. The Commission views as positive the fact that, in keeping with the first request, representatives of the Ministry of Health were fully integrated as participants in the Working Group during its second meeting in Santo Domingo.¹⁷² However, the IACHR was informed that while there are norms and protocols of action in place on health care for women before, during, and after pregnancy, challenges subsist with regard to the enforcement of penalties for their violation. The IACHR was not provided any information regarding the reform of the General Education Law (Law No. 66-97) and the inclusion of provisions governing sex education.

100. The IACHR recalls that the effective exercise of the rights of women, girls, and adolescents also requires ensuring access to information and to the necessary and integral education so that they can freely make decisions about the number and spacing of their children and aspects related to family planning, particularly in the case of girls and adolescents. The IACHR also reiterates that the States in the region have the obligation to conduct a detailed review of all their laws, regulations, practices, and public policies whose wording or implementation in practice could have discriminatory repercussions on women's access to all reproductive health services. These measures must take into account the special situation of risk, lack of protection, and vulnerability of girls and adolescents, as well as of women who are particularly excluded.¹⁷³ Based on the foregoing, the IACHR finds that the recommendation has been partially implemented.

101. In relation to the recommendation **to implement programs aimed at achieving universal coverage, on an equal basis, of the health care system for gestating women and women of reproductive age**, the Commission received relevant information from the State and civil society organizations. According to information provided by the State, maternal health care services are offered to anyone who requests them, without discrimination on the basis of socioeconomic background, race or ethnicity, sexual orientation, gender identity, migratory status, geographic location, or disability. In that regard, the State has informed the IACHR that it has taken a series of measures to achieve universal coverage, on an equal basis, of the health care system for pregnant women and women of reproductive age—15 to 49

¹⁶⁸ A program implemented by the Ministry for Women that covers such topics as sex education, self-esteem, situations of risk, gender and the law, prevention of violence against women, bullying, and life planning. The program is implemented by means of an in-person, participatory methodology facilitated by teens themselves. (Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.)

¹⁶⁹ Since the Center was opened, 19,518 adolescents (73.4 percent female and 26.6 percent male) have participated in its programs, as have 72 state schools, 32 private schools, and 2,950 adults, the majority of them schoolteachers and community leaders who work with adolescents. This year construction will begin on another promotion center to cover the seven provinces in the southwest of the country (Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.)

¹⁷⁰ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁷¹ Proceso, [Modificación a Ley 66-97 incluye educación sexual y reforzamiento a la inicial](#), May 30, 2018. Acento, [ADP realizará consulta para modificar ley de educación: Incluirá debate sobre educación sexual y laica](#), June 11, 2018.

¹⁷² IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁷³ IACHR, Press Release No. 165/17, [IACHR Urges All States to Adopt Comprehensive, Immediate Measures to Respect and Protect Women's Sexual and Reproductive Rights](#), October 23, 2017.

years old—in keeping with its recommendations. Among those measures, the IACHR notes the refurbishment of the main hospitals that offer maternal, child, and adolescent care; the creation of new primary health care units and diagnostic units throughout Dominican territory; implementation of the Maternal and Neonatal Mortality Reduction Plan, which includes measures for reorganization and hiring of human resources, procurement of equipment and supplies, training, and promotion and prevention activities in the area of maternal and neonatal health; implementation of standardized protocols and clinical practice guidelines for maternal, neonatal, and adolescent health care; implementation of the technical regulations on comprehensive healthcare for adolescents; and creation of comprehensive adolescent care units.¹⁷⁴ According to the information obtained, all the measures adopted include a focus on awareness of gender, cross-culturality, vulnerability, disabilities, and inequity.

102. With respect to access to health care services for pregnant migrants, especially Haitian women, the State provided the IACHR with information recognizing that such women enter Dominican territory in search of obstetric care that is not available to them in their country of origin and that provincial offices of the Ministry for Women have confirmed that pregnant Haitian women are admitted to public hospitals in a normal way, without any restrictions other than those dictated by operational conditions at the hospital concerned.¹⁷⁵

103. With regard to health and support services provided to pregnant women, in particular migrant women, the IACHR was informed that maternal health care services are offered to anyone who requests them, without discrimination on the basis of socioeconomic background, race or ethnicity, sexual orientation, gender identity, migratory status, geographic location, or disability. According to that information, the Dominican Republic continues to provide cost-free access to health care for pregnant foreign nationals and that in all cases, gynecological, obstetric, and pediatric care are provided, including access to micronutrients, hemoderivatives, and antiretroviral drugs.¹⁷⁶ The information available also mentions basic language training for healthcare staff and translation services at facilities near the border that provide maternal-child and adolescent care. The State also said that the ministries of health of Haiti and the Dominican Republic, with assistance from the Pan American Health Organization (PAHO) and the World Health Organization (WHO) designed a binational project for improvement of maternal and child health on the northern border between the Dominican Republic and Haiti.

104. The Commission is concerned at information received from civil society organizations regarding the challenges that subsist in the country and the ongoing shortcomings in terms of healthcare during pregnancy that can lead to a high rate of maternal mortality. According to data published by the National Epidemiology Directorate, 197 maternal deaths were recorded in 2018 (compared with 200 in 2017), with a maternal mortality rate of 113 percent.¹⁷⁷ Dominican Republic has one of the highest maternal mortality rates not only in the Central America and Spanish-speaking Caribbean zone, but also in the region as a whole.¹⁷⁸

105. The IACHR is also concerned by information regarding the low standard of services provided in the hospital system, particularly the lack of quality of care, with women patients ignored in their beds; mistreatment and disrespect by health workers toward users that could amount to forms of obstetric violence; daily violation of standards of care for pregnant women; lack of medicines, supplies, and equipment; lengthy waiting times for consultations; the obligation for users' family members to pay for medicines, blood,

¹⁷⁴ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁷⁵ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁷⁶ Dominican Republic, Response to the questionnaire of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Note No. MP-RD-OEA, 0632-18 of September 18, 2018, IACHR Archive.

¹⁷⁷ Agencia EFE, [La mortalidad materna sigue en ascenso en República Dominicana](#), May 26, 2018. Ministry of Public Health, [Boletín Epidemiológico Semanal: Semana Epidemiológica \(SE\) No. 52, desde el 23/12/2018 al 29/12/2018. Muerte materna e infantil](#), January 2019, p. 4.

¹⁷⁸ PAHO, [Core Indicators 2018. Health Situation in the Americas](#), September 2018.

and ambulance transport, which are factors with the potential to be direct or indirect determinants of maternal mortality.¹⁷⁹

106. In that connection, the Commission is troubled at the gaps that exist between the rules in force and the reality that women face when it comes to regular and maternal health care. While it acknowledges the efforts of the state to provide coverage and access to health care and hospital services to all women, the IACHR notes deficiencies with respect to the actual quality of the services provided; therefore, it urges the State to continue to strive for improvements in terms of quality and access. Based on the foregoing, the IACHR finds that the recommendation has been partially implemented.

107. **With respect to the recommendation regarding measures to strengthen the gender perspective in the country's criminal justice system in order to help combat impunity for violence against women**, the IACHR views as positive the State's sectoral measures that address gender violence against women in a crosscutting way. Thus, the state reported the existence of comprehensive gender violence assistance units in the office of the Attorney General, the Directorate for Protection of Women created by decree in the National Police; the National Committee to Prevent and Combat Domestic Violence; and the Committee for Protection of Women Migrants.¹⁸⁰

108. The IACHR was also informed about various national plans that incorporate a gender perspective and are helping to achieve the objective of the recommendation. In that connection, the state mentioned the National Gender Plan, the National Plan against Violence toward Women of the Office of the Attorney General, and the National Plan of the Public Prosecution Service. The IACHR also notes information received about the State's efforts to ensure universal access to justice, ensuring in particular, the necessary arrangements with the Ministry of Foreign Affairs and consular offices in the case both of Dominican women abroad, and of foreign women on Dominican soil.¹⁸¹

109. The IACHR also recognizes the existence of the National Judiciary School (ENJ) and its permanent education program in which gender perspective is a crosscutting theme, as well as the module on gender perspective in judicial proceedings imparted by the Public Prosecution Service School in conjunction with the Ministry for Women's Gender School.¹⁸² The Commission also welcomed information regarding the adoption in 2014 of the Investigation Protocol for the Crime of Femicide in the Dominican Republic.¹⁸³

110. The Commission also recognizes the efforts made by the Ministry for Women, in particular, in organizing activities to promote women's political participation, including its announcement of the Women Politicians' Roundtable, participation in the dialogue "The role of governing institutions in response to political violence against women," and promoting awareness of the inter-American model law on political violence against women.¹⁸⁴

¹⁷⁹ Centro de Estudios de Género Instituto Tecnológico de Santo Domingo (CEG/ INTEC), UNFPA, [Análisis de Género en la Mortalidad Materna de República Dominicana](#), March 2018.

¹⁸⁰ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁸¹ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁸² According to this information, the Public Prosecution Service has provided training to more than 509 women prosecutors and has made it a requirement for career prosecutors to pass course subjects that include violence against women and gender equity. Training is currently being provided to administrative personnel who provide assistance to members of the public in order to avoid the re-victimization of applicants. (IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.)

¹⁸³ Ministerio Público, [Protocolo para la Investigación del Crimen de Femicidio en República Dominicana](#), 2014.

¹⁸⁴ IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

111. The Commission also recognizes the implementation of the nationwide 24-hour helpline for female gender violence victims, data and information from which are observed and monitored by the Ministry for Women, according to the State, as well as the launch in 2014 of the 911 National Emergency System. The system has improved the geolocation of incidents, response times, and event occurrence analysis for the better disposition of proximity services. The Commission highlights that, according to the information supplied, a review of 911 cases has found that after traffic accidents, the leading public safety problem in the country is domestic violence.¹⁸⁵

112. As measures to advance implementation of this recommendation to strengthen the judicial system with a gender perspective and ensure access to justice without discrimination for women violence victims, the IACHR notes, among others, the following steps identified by representatives of civil society organizations: expansion of training for judicial operators; increase in the number of specialized prosecutors; adoption of case-specific, specialized perspectives in relation to political participation for traditionally discriminated-against women, including women with disabilities, migrants, Afro-descendants, and members of the LGBTI community; and design of public policies to ensure parity in all government administration positions. Civil society representatives also expressed their concern regarding guarantees that the elections for the four vacancies on the Constitutional Court in November 2018 would be conducted in a way that ensured gender parity.¹⁸⁶ In that connection, representatives of the State reported that 72 candidates had been nominated for that process, 19 of whom were women.¹⁸⁷

113. In reference to the need to strengthen women's political participation and gender parity in the Dominican Republic in order to break through the "glass ceiling" that currently exists in the country, civil society organizations particularly emphasized the need to increase women's participation in the executive branch, where female participation is a mere 13 percent.¹⁸⁸ The Commission is concerned by the low presence and participation of women in the various decision-making and management levels of the State, as well as the fact that only 26 percent of parliamentary seats and 20 percent of ministerial portfolios are currently held by women.¹⁸⁹ The IACHR observes that in the context of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, both State and civil society representatives were in agreement on the importance of reforming the Political Party Law in order to advance women's participation in more decision-making bodies.¹⁹⁰

114. In relation to the information it has received, the Commission takes a positive view of the steps taken by the State to strengthen the gender perspective in the criminal justice system. The existence of national plans, specific protocols, and protection mechanisms represent positive strides in the fight to eradicate gender violence. Nonetheless, the Commission notes the need to maintain and continue prevention efforts, given the widespread violence against women. In particular, the Commission believes it necessary to strengthen training on women's rights across all State bodies, for both women and men alike, with the aim of doing away with once and for all the gender stereotypes that obstruct access to justice for women victims of gender violence, as well as to contribute to the eradication of the impunity that is common in such cases. Based on the foregoing, the IACHR finds that the recommendation has been partially implemented.

¹⁸⁵ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁸⁶ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁸⁷ IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

¹⁸⁸ IACHR, First Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Washington, D.C., June 24 and 25, 2018, IACHR Archive.

¹⁸⁹ World Economic Forum, [Global Gender Gap Report 2018](#), Dominican Republic, 2018.

¹⁹⁰ Acento, [Janet Camilo dice que la clave para alcanzar la paridad en la participación política la tienen los partidos](#), May 25, 2018; IACHR, Second Meeting of the Working Group on Implementation of Human Rights Policies in the Dominican Republic, Santo Domingo, Dominican Republic, November 20 and 21, 2018, IACHR Archive.

115. The Commission appreciates that over 2018 the Dominican State has been carrying out several actions aimed at engaging in talks with the IACHR to find solutions to the critical situations raised throughout this Chapter. Among those actions, the IACHR particularly underscores the installation of the Working Group on Implementation of Human Rights Policies in the Dominican Republic. However, the IACHR also finds that a number of tasks and challenges have yet to be tackled in fully implementing the measures it has recommended. Accordingly, the IACHR considers that the recommendations contained in its country report and in Chapter IV of its 2016 Annual Report have been partially implemented.

116. On January 25, 2019, the Permanent Mission of the Dominican Republic to the Organization of American States sent the IACHR a note containing the commitments adopted by the Dominican State as a result of the Working Group. The text detailing the State's commitment as expressed to the IACHR is as follows:

1. A meeting with civil society in April 2019.
2. The commitment to respond halfway through the year to a human rights questionnaire from the IACHR. July 2019 is proposed.
3. A training on human rights for public officials imparted by the IACHR. The Human Rights Directorate of the Ministry of Foreign Affairs will coordinate with the IACHR to that end. The Mission requests a proposal of issues to be addressed, number of days, and possible trainers.
4. The presentation of a year-end report in Washington to explain the country's progress in terms of human rights. It is proposed that the visit be made in the second week in November 2019.

117. The Commission finds that the series of commitments presented to the IACHR by the Dominican State to continue to work jointly on following up on its recommendations, through the above series of measures will make it possible to follow up periodically on them over the course of 2019, constitutes an expression of the State's interest in overcoming serious omissions in its response to the recommendations made by the Commission in the framework of the Working Group on Implementation of Human Rights Policies in the Dominican Republic.

118. In addition, the commitments adopted by the State through the Working Group amount to measures that over the long term could gradually help to resolve the circumstances that gave rise to the inclusion of the Dominican Republic in Chapter IV.B of its 2016 Annual Report. Therefore, based on Article 59.9 of its Rules of Procedure, the IACHR has decided to include the Dominican Republic in Chapter V of its 2018 Annual Report and gather information about its implementation of the recommendations set made by the Commission in the framework of the Working Group on Implementation of Human Rights Policies in the Dominican Republic.

119. The Inter-American Commission reiterates its commitment to work with the Dominican State to find solutions to the problems identified. The Commission urges the State to maintain this attitude of openness, and to implement the recommendations and reparations issued by the Commission and the Inter-American Court, in order to ensure that the existing legal framework and the application thereof by Dominican authorities ensure effective enjoyment of the human rights of all persons in the Dominican Republic in accordance with its international human rights obligations. Within the framework of its mandate to provide technical assistance to the member states of the Organization of American States, the IACHR reaffirms its interest in working with the Dominican State to attain solutions that ensure the effective enjoyment of the human rights of all persons in the Dominican Republic.