



ngo group for the crc

**STATE PARTY EXAMINATION OF THE DOMINICAN  
REPUBLIC'S  
SECOND PERIOD REPORT**

**47<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE  
CHILD**

**14 January – 1 February 2008**

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*The Dominican Republic ratified the Convention on the Rights of the Child (CRC) on 11 June 1991. On 21 January 2008, the Committee on the Rights of the Child (the Committee) examined the Dominican Republic's Second Periodic Report.*

**Opening Comments**

Ms. Tilza Ares, General Director of the National Child Council (CONANI) introduced the report. She stressed the significance of the Committee's input in highlighting the use of the 2001 comments as benchmarks for the 2001-2005 period. A new law, entitled 136-30 replaced the former 14-94 law as the main legislation concerning children's rights in October 2005. An additional code was submitted to the Executive Committee to change marriage stipulations, mandating that the girl be 16 years of age, have the consent of her parents, and register with the competent tribunal. She emphasised the consideration of the CRC in the new law with regards to children as subjects of law, equality, non-discrimination, right to family life, right to participate in society, the rights to a name, nationality, civil register, family relationships, culture, sport and leisure time, and the denunciation of abuse. It also included the fundamental rights to freedom, opinion, to be heard, to participate, to protect their image, to have access to information, to have established duties of criminal responsibility, and to be protected against exploitation in the labour sector. She stressed that the state overcame former inconsistencies by creating institutions that separate social conflict from legal conflict. She also pointed to 136-30 as the first policy to especially consider street children. A calendar of actions underlined the need to collaborate with NGOs, UNICEF, and the International Labour Organization.

Mr. Krappmann, the Country Rapporteur, praised the state for submitting written replies in the wake of two severe hurricanes and for updating statistical information from 2003-2004. He remarked on the lateness of the report, but commended the revised guidelines and country context that facilitated discussion. He noted the grave problems with migration, discrimination, and violence and asked why these issues were not fully analysed in the report. He requested more information about the budget and the allocations for children's rights. He enquired whether established instruments were used and if they were useful. He commended the State party on 136-30 as clearly based on the CRC, but enquired how it was made operational. He noted the principle of best interest had to be integrated into every law. He observed CONANI's responsibility for office management and activity coordination, but remarked that municipal and local offices were not yet working. He praised the number of action plans in process, but showed concern for their lack of concrete action or budget. He asked for plans on future data collection as it should be disaggregated beyond age and gender. He emphasised the need to use the CRC definition of the child. He enquired about the accuracy of population data presented and strategies to solve the problem. The report detailed new mandates for children to be registered, but he noted the non-compliance of many programmes. As a result, the unlawful status of parents, the threat of expulsion, extra requirements for some families, excessive necessary documentation, inefficiency and high costs disproportionately affect Haitian migrants, teenage mothers and the poor.

Ms. Ortiz, the Co-Rapporteur, praised the delegation for representing several key sectors. She asked for more information on systems coordination given CONANI's important role. She enquired about 136-30, especially its progress in redesigning national institutions, creating separate judicial and administrative offices, and working with local boards. She further enquired about progress made on appointed officials under 136-30. She asked whether adolescents were consulted in the preparation and assessment of child rights plans.

## **General Measures of Implementation**

### ***Legislation***

The Committee asked about the implementation of the CRC in court. The delegation pointed to ten established children's courts or tribunals with respective ministries.

### ***Administrative Measures***

The Committee enquired about the administrative structure, requesting information on the optimal number of regional and municipal offices and future plans for implementing the CRC. The delegation explained that the national system included judicial and social components. CONANI coordinated and supervised a series of institutions in ten regional and four municipal offices. In the long term, 110 municipal offices would be needed to cover the whole territory. Ten local protection boards provided economic support, and regional offices were strategically used to cover the greatest area possible. The delegation pointed to a five-year UNICEF fund as aiding the expansion of coverage. The delegation also referred to plans to restructure the protective services of CONANI and to produce a handbook to unify processes by February 2008.

The Committee enquired about the role of NGOs in drafting the state report. The delegation replied that national plans and programmes existed with the support of civil society and NGOs. The register of initiatives not linked to national programmes listed 257 active NGO programmes. The delegation explained that the latter complement sectoral plans addressing sex trafficking, child labour, domestic violence, and other issues. However, the sponsorship of certain children created problems when trying to reintegrate children into families and away from institutions where they received special funding.

The Committee asked for details on the national plan of action. The delegation replied that structured plans uniting all institutions in 32 provinces reflected the CRC. Plans were made to introduce a monitoring system. The delegation noted that Congress supported a perennial plan and associated budget prioritising children's programmes that would cover the period 2008-2012.

The Committee welcomed the establishment of an Ombudsman and asked about the draft law, whether the Ombudsman would be appointed or elected, and how the institution was established. The delegation replied that the promulgated law existed but awaited submission to the judicial power who would select the Ombudsman. The delegation emphasised that the Ombudsman would respond to laws at local and state levels.

The Committee requested more information on budget as the report only discussed inadequacies. The delegation highlighted the recent economic crisis and the inability of the government to respond to the social necessities of the general population. The budget for dealing with debt services increased from 12% to 25% from 2003 to 2004. The delegation also mentioned the opening of trade with Europe and the United States. It underlined its commitment to protecting child-oriented programmes across all sectors; although there was no children's rights section of the budget. Guaranteed programmes included basic education and primary health care, such as family health insurance. The delegation explained that out of 2.7 million people covered, 1.5 million contributed money while the rest were covered by the state. Thirty percent of those receiving aid were children. The delegation also presented a new programme of resource transfer budgeted for 400 households in 2008. They would receive 30 USD per month that was linked to the social protection of children, education, prenatal checks and vaccinations.

The Committee cited unregistered children as a source for misleading data and asked for plans for improvement. The delegation cited an annual national household survey, a biannual survey on employment run by the central bank and demographic and health surveys conducted every four years as means to improve evaluative data.

## **Definition of the Child**

The Committee raised concerns over the age of consent for marriage and the use of different ages for defining the child. The delegation did not respond.

## **General Principles**

### ***Life, Survival and Development***

The Committee asked about children's exposure to violence. The delegation replied that most problems stemmed from the importation of street gangs, called maras, after their expulsion from other countries including the United States. The delegation declared that measures were being taken to shift the mindset and exercise permanent pressure in institutions to dissipate the violence, but noted that this process took time.

The Committee asked about torture and cruel or inhumane treatment, as the state had not ratified the Convention Against Torture. The delegation replied that past reports were rectified and there were no issues or cases of torture or cruel treatment of children.

### ***Right to be Heard***

The Committee enquired about the input from children in residential care cases and the judicial system. The delegation responded that children over the age of twelve were consulted and their opinions considered. The delegation assured the Committee that judges always attempted to listen to a child's opinion and considered it whenever possible.

## **Civil Rights and Freedoms**

### ***Nationality and Identity***

The Committee enquired about the allocation of birth certificates. The delegation responded that a provisional measure in 2001 taken by the education office registered all children irrespective of documents. If a non-Dominican woman gave birth, the child could be registered if the father was Dominican. The delegation stated that every health centre had to provide a birth certificate to

children of all statuses, including Haitian residents, tourists, visiting businesspeople, passengers in transit, and temporary workers.

### ***Protection from Abuse and Neglect***

The Committee cited grave problems with sexual exploitation and asked about progress. The delegation responded that great steps were being taken, citing especially a meeting in Florence with international tour operators encouraging them to support the government's efforts with their publicity materials. The delegation cited important measures in public dissemination of information on the subject in airports and on tourist cards. The delegation recognised, however, that 70% of perpetrators were Dominican. A large national programme including fourteen municipalities and government institutions assessed the situation, trained the police, teachers, community leaders, and judicial authorities, created supervisory systems, set up a help line, and created an emergency contact mechanism. The delegation asserted that children participate in the investigation of sexual exploitation claims and in assessing the safest choice following the resolution.

## **Family Environment and Alternative Care**

### ***The Family***

The Committee asked about efforts to deal with reports of domestic violence. The delegation cited an enormous effort to ensure that family abuse did not go unpunished. The delegation referred to two help lines, one available 24-hours per day, which had a team of social workers who responded immediately to complaints. CONANI oversaw this programme.

### ***Alternative Care Provision***

The Committee enquired about residential detention and foster care. The delegation emphasised that the regional differences seen in the report (481 females in the northern region, 77 in the south) were due to the location of homes, not discrepancies in coverage for males and females. The delegation explained that children at risk within their families were placed in temporary homes and psychological care was available. Professional teams determined children's future and follow-up on reinsertion. Foster family work began with the extended family.

### ***Adoption***

The Committee asked about the balance between international and national adoptions. The delegation replied that decreases in total adoption numbers were due to catching up on old paperwork. The delegation cited advances in reducing the number of abandonments in hospitals and placing such children with other family members. The delegation claimed international adoptions were still the exception as files went back to 2004.

## **Basic Health and Welfare**

### ***Disabled Children***

The Committee enquired about treatment and success of handicapped children in schools. The delegation explained that schools were given support with children under six in the form of teacher training and integration programmes for their next school.

### ***General Measures***

The Committee recognised the existence of an interministerial committee on trafficking that applied to children and enquired about its effect on them. The delegation noted that human trafficking was the most categorically punished crime, mandating ten years in jail for illegal trafficking of goods and a minimum of fifteen years for human trafficking. The delegation identified four types of human trafficking: specific requests from homeowner, agricultural slaves, sexual traffic, and general domestic service. The delegation cited a problem of measures to deal with Haitian children found in the Dominican Republic as there was no counterpart institution for reintegration across the border.

### ***Adolescent Health***

The Committee enquired about national health coverage. The delegation replied that an updated ten-year health plan separate from social reform mobilises all sectors. CONANI coordinated institutional policy. Because health care was a major issue, the state declared 2008 as a year for health promotion. The delegation pointed to universal coverage as the greatest achievement in the health sector for children and adolescents. Sexual education in secondary schools sought to prevent teenage pregnancy, and 98.9% of pregnant women were covered. The delegation further described efforts to centralise attention and address the high levels of child mortality and morbidity. In addition, a new alcohol control programme addressed the effect of alcoholic parents on family life, including budgeting and traffic accidents. The delegation also noted the problem of maternal mortality given that 98% of births occurred in hospitals.

### ***Standard of Living***

The Committee enquired about poverty and its effect on children. The delegation explained that the poverty level for children under sixteen was 30% but rose to 50% in 2003-2004. An ineffective social protection system during the recession left 1.5 million additional children in poverty within 18 months. The delegation asserted that poverty was reduced by 11%, but that this was little in proportion to the rise. The delegation noted that economic growth did not create jobs, just disparity, and that social policy had to play a more active role. The delegation referred to a national strategy currently under review to ameliorate the problem. Development and stimulation of small to mid-size enterprises and free trade helped create jobs. To ensure the family base moved together, a programme entitled Progresando incorporated responses from both families and communities.

## **Education, Leisure and Cultural Activities**

### ***Education***

The Committee asked about national education and plans for the future. The delegation responded that education was closely linked to the economy and detailed a ten-year plan to improve the effectiveness and quality of education throughout the country as a result of greater wealth. The delegation cited relationships with international bodies such as the EU to help create plans that eliminate dropouts and repeaters, add teaching units, and supply educational materials to the poor. For secondary education, centres of excellence attracted children aged twelve to seventeen by providing opportunities to enter the labour market and thus reduce dropout levels. The delegation remarked on the ability of universal access to education to reduce levels of violence. Universal cover of primary education was meant to start at age five; the state intended to make education mandatory for all children over the age of three. The delegation emphasised that the education law did not discriminate on the basis of immigrant status or birth certificate. In addition, pregnant teenagers were also guaranteed an education. The delegation cited parental motivation as a problem for keeping children in school for secondary education.

The Committee asked about costs associated to education. The delegation replied that half secondary schools were private, and no budgetary or programming priority was given to ensuring access for this level of education. The delegation pointed to parents as a way to encourage children to stay in school rather than start working. Programmes existed to reintegrate children who had returned to school. Temporary education centres provided special facilities free of charge in eighteen regions.

### **Special Protection Measures**

The Committee asked about street children. The delegation described a military programme that started a few years before the government began officially addressing the problem of street children. This programme taught civic values and had been a success. Military personnel were specially trained for this semi-residential programme, children return home on the weekends. The first session of the programme saw 45 boys go on attend vocational schools or return to volunteer as leaders of the programme. The delegation stressed that this was not a military recruitment programme. The delegation hoped to use NGOs instead of the military to deal with street children.

### ***Immigration***

The Committee noted domestic difficulties related to immigration and migration and enquired about its effect on children. The delegation responded that the state maintained its migrant flow according to the constitutionally consecrating immigration law referred to in the Hague Convention.

The delegation did not answer questions about asylum-seekers, saying only that the legal branch replied to such request and apologised for his lack of detailed knowledge on the subject. The delegation also did not directly answer enquiries about children with a Dominican mother and a foreign father, emphasising again the mandatory issue of birth certificates to all children born in the state. No mention was made of efforts to maintain a family link if a parent goes abroad to work or to prevent the for at-risk behaviour in which adolescents with an absent parent often engage.

### ***Juvenile Justice***

The Committee enquired about the judicial structure for children and adolescents and their support system in detention centres. The delegation responded that it began with a specifically trained juvenile judge so as to keep codes and rulings consistent for minors. There were separate criminal and civil judges for juveniles, as well as fiscal and tribunal procurators, a special procurator, and a justice of the peace. The Ombudsman accompanied minors. The state appointed a leader for the special judicial police for children, which was a branch of the national police. The delegation explained that there was a permanent system to train judges and public defenders so children's rights laws were enforced at national level. Children aged thirteen to eighteen could be in contact with his or her defender; the public defence had a more active role than private lawyers. Approximately five delinquent adolescent centres in the country ensured that children remained in school while awaiting judicial action. Children under thirteen could not be imprisoned or prosecuted. Controlling judges visited detention centres and holding areas to ensure conditions, interview detainees, and require necessary improvements.

### **Concluding Remarks**

Ms. Ortiz thanked the delegation and stressed the Committee's responsibility to give recommendations and critiques on legislation and plans. She emphasised the importance of coordination and disaggregated data as means to appropriately direct resources. She regretted the lack of dialogue relating to child participation as well as civil and political rights. She acknowledged the difficulties associated with migration, but underlined the importance of preventative policies for health and education. Meanwhile, Mr. Krappmann noted his desire to meet again soon to evaluate the progress of several new initiatives.

Ms. Ares articulated her appreciation for the Committee's attention and assured the Committee that its recommendations would be taken into consideration. She apologised for not answering all of the Committee's questions.