

STATE PARTY EXAMINATION OF DOMINICAN REPUBLIC'S THIRD TO FIFTH PERIODIC REPORT

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
12 JANUARY – 30 JANUARY 2015

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The Dominican Republic ratified the Convention on the Rights of the Child (CRC) 11 June 1991. On 12 and 13 January 2015, the Committee on the Rights of the Child (the Committee) examined the third to fifth report of the Dominican Republic. It was last examined on 21 January 2008.

Opening Comments

The delegation of the Dominican Republic was led by Mr. Gertrudis Alberto Padilla Vicioso, Responsible for the Department of Public Policies, Laws and Rules of the *Consejo Nacional para la Niñez y la Adolescencia* (CONANI). He was supported by a delegation consisting of representatives of the Central Unit of Late Requests of the Central Electoral Junta JCE, and of the Permanent Mission of the Dominican Republic to the United Nations Office in Geneva.

Mr. Padilla Vicioso declared that important changes were taking place in the Dominican Republic, such as the adoption of an organic law on the national development strategies for the period 2020-2030.

Mr. Padilla Vicioso pointed out that changes in the country were the reflection of a national interest and that the implementation of national development in the area of children and adolescents' rights was a priority.

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www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

Mr. Padilla Vicioso added that the State Party was concentrating efforts on fostering capacity building to fight poverty and social exclusion and that the government was currently carrying out a number of national strategies related to immigration and birth registration.

Ms. Sara Oviedo and Ms. Maria Rita Parsi, the Country Rapporteurs, welcomed the delegation of the Dominican Republic (the delegation) and the presentation of the report by the State party.

General Measures of Implementation

Legislation

The Committee welcomed the inclusion of the rights of the child in the Constitution of the State Party of 2010 and asked for more information on the direct applicability of the Convention on the Rights of the Child (CRC) in the State party's domestic law. In particular, it asked whether there were any cases of direct application of the CRC by domestic courts. The delegation did not respond to these questions.

Coordination and monitoring

The Committee asked about the level of coordination between different institutions on the rights of the child. The delegation indicated that CONANI was the governing body in charge of the implementation of policies, plans and programmes on the rights of the child. Another Council was bringing together different stakeholders, including local NGOs, local authorities and churches.

The Committee asked for information on the local centres existing under the CONANI and expressed concerns about the gaps in the national coordination at local level. The delegation said that CONANI was currently creating an information system that would enable it to collect information on all the initiatives undertaken at local levels.

The Committee expressed concerned about the lack of specific reference to the defence of children's rights in the mandate of the Ombudsman and asked whether there was a body in charge of addressing children's rights issues. The delegation indicated that the Ombudsman office had only been fully operational since a year and hoped that a special office for the rights of the child would be appointed shortly.

Dissemination and training

The Committee asked about the dissemination of information on the rights of the child among children and about their participation in decisions affecting them. The delegation answered that the government was working on the promotion of human rights but that there was currently no overall strategy on this issue. Children could be represented in several ways, such as in a project initiated by CONANI, which included eleven youth town halls on the topic of strengthening and protecting children's rights. The Committee observed that a higher number of children contributed to the drafting of the report of the civil society in view of the current review compared to the number of children having participated to the State party's report. The delegation answered that the two reports were not comparable as the methodology used were different.

Budget

The Committee asked the delegation if there were plans to increase the budget allocated to children's rights. The delegation indicated that there had been an increase in investments in early childhood, from 1.9% of the GDP in 2010 to 3.58% in 2013, but acknowledged that this was still insufficient.

Definition of the Child

The Committee said that the definition of the child was in line with the CRC but noted that early marriages continued to take place in the State party. The delegation indicated that early marriages were often the result of early pregnancies, and that efforts on preventing this phenomenon were being undertaken. The Committee recalled that lowering the minimum legal age of marriage was not a solution to address the issue of early pregnancy.

General Principles

Non – discrimination

The Committee raised concerns about the discrimination against children from Haiti and children of Haitian descendants, as they did not enjoy the right to a nationality and or the right to education and health. The delegation indicated that the principle of the *jus sanguinis* was enshrined in article 11 of the Constitution of the State party. The issue of statelessness for Haitian children did not exist in the State party, and no individual was deprived of his/her nationality.

The Committee expressed concerns regarding the practice of expelling pregnant girls from schools. The delegation responded that the Ministry of Education issued regulations banning this practice, and that 31 special local committees were established to restore the right of these adolescents to receive an education. It also acknowledged that more work still needs to be done on this issue.

The Committee asked about discrimination based on gender and against LGBTI children. The delegation said that there were reported cases on this issue and that the Constitution of the State clearly prevented any form of discrimination. However, bullying remained a matter of concern.

Best interests of the child

The Committee asked whether there were some practical examples of application by tribunals of the best interest of the child. It thus recommended providing training for judges dealing with issues of children's rights.

Respect for the views of the child

The Committee asked about the extent to which children's views were taken into consideration. The delegation responded that children were involved in a democratic process to elect their representatives in youth town halls, where they could express their own opinions. The delegation further added that CONANI, along with UNICEF, organised a survey on national development, which involved around 1.2 million children and adolescents.

Civil Rights and Freedoms

Corporal punishment

The Committee was particularly concerned with the occurrence of corporal punishment in family settings, as about 40 per cent of children continued to be victim of corporal punishment in families. The delegation explained that some legal provisions prescribed imprisonment sentences for individuals practicing corporal punishment. An on-going pilot project was being carried out in 158 municipalities seeking to address this issue by bringing violent parents to justice and protecting children victims, who were then placed into custody of other family members.

Right to a nationality

The Committee expressed concerns on the issue of statelessness of Haitian children. The delegation responded that no Haitian children suffered from statelessness. Children born in the State's territory between 1999 and 2007 had been granted the status of citizens of the Dominican Republic. The delegation also explained that in some cases, parents could not declare their children since they lack documents themselves.

Family Environment and Alternative Care

Family support

The Committee asked about the impact of social programmes for the preservation of the family environment for children. The delegation answered that families were provided with training and in particular those that had been reconnected with children previously living on the street. The Committee also enquired on the issue of children with detained parents.

Institutions and family-based care

The Committee asked for information on the functioning of national rules regarding children living in institutions, especially in relation with immigrant children. It welcomed the introduction of a pilot project on foster families and asked the State to provide more detail in this regard. The delegation answered that collaboration with Haiti was challenging, which explained that immigrant children remained in specialised centres until the State was able to address their cases.

Adoption

The Committee pointed out that the State's law on adoption was not in line with the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption of 29 May 1993, and asked about plans to align the legislation in light of the best interest of the child. The delegation stated that the State party was following The Hague Adoption Convention's principles while adapting them to internal parameters in the best interest of the child.

Disabilities, Basic Health and Welfare

Health services

The Committee was concerned that maternal and under-five mortality rates had not decreased much since the last review of the State party by the Committee and asked about plans to address this issue. The delegation answered that the State would start implementing a national strategy to lower maternal and early-childhood mortality rates. The Committee also raised concerns regarding the spread of HIV/AIDS in the country. The delegation replied that the Ministry of Health was in charge of this issue and that special services and anti-retroviral drugs were provided to patients upon request. The delegation further underlined that 95 per cent of children were infected through vertical transmission.

Children with disabilities

The Committee was concerned about the lack of inclusive education of children with disabilities and asked for information on the number of qualified staff able to take care of children with disabilities. The delegation explained that there were special centres for autistic children and children with disabilities that were created directly by the Presidency. The Committee expressed concern about the creation of these specific centres and emphasised the importance of an inclusive education for these children, which should not be marginalised. The delegation explained that these structures were centres where children could receive

healthcare therapies and not education. It further added that one awareness campaign, “Love Me as I am” on autism was being carried out.

Bullying

The Committee enquired about ways in which children victims of bullying were treated and about their re-integration in school. The delegation recognised the existence of the problem and indicated that some measures were taken, although it was a challenge to put an end to this practice.

Adolescent Health

The Committee expressed concerns about teenage pregnancy rates in the State party and asked whether sexual education was provided in schools. The Committee emphasised that a large number of these pregnancies the result of sexual violence and asked about plans to address this issue. The delegation replied that plans to include a sexual education programme in schools’ curricula were under consideration and that efforts to eradicate sexual violence were being undertaken in schools. The Committee further enquired whether the Catholic Church had a negative influence on such programmes. The delegation said that the State party was trying to find solution this particular issue and was working on it in collaboration with UNICEF and civil society actors.

The Committee enquired about the number of deaths among adolescent girls due to dangerous abortion techniques.

Breastfeeding

The Committee asked for information on breastfeeding policies and asked whether healthcare workers received appropriate training to promote exclusive breastfeeding. The delegation said that progress on this issue had been made. It highlighted the establishment of a “milk bank” where women could milk that benefited new-borns and reduced their mortality. The Committee pointed out that priority should be given to support and prepare mothers for breastfeeding.

Drug and substance abuse

The Committee raised the issue of the use of drugs and alcohol by adolescents and requested more information on the centre for drugs abuse and its impact. The delegation said that the centre opened in 2008 on the basis of an experiment carried out in Chile and Costa Rica. It was working very well and currently dealt with 152 cases. The delegation further explained that children remained in this facility until they could be placed in a family. It also acknowledged that the State party had not yet managed to establish prevention on drug and substance abuse in schools.

Quality of water

The Committee asked about plans for the improvement of water quality as a tool to avoid the spread of infectious diseases such as cholera. The delegation did not answer to this question.

Education, Leisure and Cultural Activities

Access to education

The Committee enquired about inclusive education for Haitian children. The delegation recognised that there were cases of children suffering discrimination in accessing education because of a lack of proper documentation. Improvements to address these issues were currently being carried out.

Leisure and cultural activities

The Committee asked what strategies have been implemented to create better opportunities for children to develop sport and cultural activities. The delegation said that baseball was a sport well spread amongst children, although the issue of bullying was still an issue in this context.

Special Protection Measures

Juvenile justice

The Committee asked for more information on the implementation of legal reforms for the special protection of children, and asked whether adolescents were detained separately from adults in detention centres. The delegation answered that alternative sanctions to detention existed in the State party, although there were still some issues in managing children's detention centres. Two qualitative studies on young detainee conditions were carried out in 2014 in line with planned reforms.

Child labour

The Committee was concerned about the high number of children under the age of 15 involved in child labour and asked whether actions were being undertaken in the collaboration of the International Labour Organisation (ILO) on this issue. The delegation said there were monitoring strategies for the correct implementation of the ILO Conventions. Efforts to strengthen school attendance were being undertaken with the objective of reducing child labour. The Committee also raised concerns about Haitian children being involved in domestic work in the State party. The delegation responded that there were no complaints on this issue and that the State's relations with Haiti were based on solidarity.

Sexual exploitation

The Committee asked about the issue of sexual exploitation and the resulting high number of teenage pregnancies. The delegation said that there was specialised staff dealing with this matter and that 24 individuals were found responsible for commercial sexual exploitation in 2014 and were brought to justice.

The Committee raised concerns regarding cases of paedophilia by some representatives of the Holy See and about sexual paedophile tourism in general. The delegation indicated that these cases were difficult to address because of the special diplomatic status of the representatives involved under the Vienna Convention but confirmed that these cases were still under investigation.

Children living on the street

The Committee observed out that street children still constituted a reality in the country and expressed concerns regarding their involvement in trafficking and sexual labour. The delegation said that the issue of street children was not alarming in the country. A DNA test system enabled to trace back children's relatives and specialised centres for street children had been established.

Child Trafficking

The Committee asked about the situation of children being trafficked in the State party. The delegation explained that working with neighbouring Haiti could be challenging and that collaboration was needed to tackle these issues. It also underlined that CONANI was training border guards and general staff on this issue. A workshop organised with UNICEF would take place in February 2015 to train border guards on the characteristics of trafficked people.

The Committee further asked about deportation of Haitian children. The delegation answered that no children of Haitian descendants had been deported.

Helplines

The delegation indicated that helplines had been established in area of the capital and proved very effective. The delegation added that there was an intention to expand this service to the rest of the State's territory and that agencies will also deal with children's particular issues, even though budget resources were limited.

Concluding Remarks

Ms. Sara Oviedo, one of the Country Rapporteurs, thanked the delegation for the constructive dialogue. She underlined the urgent need to address some major issues in the country, such as the Haitian children and sexual violence and sexual exploitation, among others. She also recommended the delegation to increase efforts in guaranteeing human rights from early childhood, as children had a key role in society.

The delegation indicated that it would welcome the recommendations of Committee with the intention of improving the implementation of the CRC in the State party. It lastly added that the budget allocated to address these and the previous recommendations will be doubled.