

CHAPTER V

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

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

I. INTRODUCTION

A. Historic background

1. The purpose of this chapter is to follow up on the recommendations formulated by the Inter-American Commission on Human Rights (“the Commission,” “the Inter-American Commission,” or “the IACHR”) in connection with the human rights situation in the Dominican Republic (“the State”), as analyzed: (i) in the 2015 country report, (ii) in Chapter IV.B of the 2016 Annual Report, (iii) as part of the activities of the Working Group on Implementation of Human Rights Policies in the Dominican Republic since 2018, (iv) in following up on the commitments assumed by the Dominican State as a result of that group’s work in 2019, and (v) the Commission’s mechanisms for monitoring and following up on recommendations derived from its Rules of Procedure. In keeping with Article 59 of the IACHR’s Rules of Procedure, in Chapter V of its Annual Report the Inter-American Commission follows up on the measures adopted to meet recommendations issued through its annual, country, or thematic reports.

2. Since the early 1990s, the Inter-American Commission has been receiving information about a context of structural racial discrimination against people of Haitian descent—or persons perceived as such—in the Dominican Republic. That situation has involved such actions as the refusal to recognize nationality and deportations and expulsions. In particular, immigration control operations and mass expulsions have been an issue for the Commission’s attention since its visit to the country in 1991. Both the Commission and the Inter-American Court of Human Rights (“the Court,” “the Inter-American Court,” or “the I/A Court H. R.”) have issued recommendations and redress measures intended to address these human rights problems comprehensively. In that context, the impact of the Constitutional Court’s Judgment TC/0168/13, issued on September 23, 2013, once again highlighted the serious challenges facing the Dominican State in the areas of racial discrimination and the rights of nationality, legal personhood, name, identity, and other related rights.

3. At the invitation of the State, the IACHR conducted an on-site visit to the Dominican Republic on December 2 to 6, 2013, when it was able to note the effects of that judgment on people of Haitian descent born in the Dominican Republic as regards their rights of nationality and other rights. After the visit, the IACHR published its report on *The Situation of Human Rights in the Dominican Republic*,¹ in which it offered the State a series of recommendations on the basis of the findings and information obtained through the monitoring conducted before, during, and after the on-site visit, the information provided by the State, information from civil society organizations, academics, and specialized international organizations, and other sources.

4. Over the course of 2016, the IACHR asked the State for information about compliance with the recommendations contained in the country report, but no response was received. Other requests sent by the Commission during 2016 were also ignored by the State. In consideration whereof, and given the grave human rights impact of these situations and the persistence of the structural problem of discrimination against people of Haitian descent or perceived as such in Dominican territory, particularly the arbitrary denial of nationality

¹ IACHR, [Report on the Situation of Human Rights in the Dominican Republic](#), OEA/Ser.L/V/II. Doc. 45/15, December 31, 2015.

and the resulting risk of statelessness faced by many, the IACHR decided to include the country in Chapter IV.B of its 2016 Annual Report, believing that the conditions set by Article 59, section 6.d.iii, of its Rules of Procedure had been met.

5. During 2017, the Commission and the State met on several occasions: at the presentation of the IACHR's 2016 Annual Report, at the OAS General Assembly, and at the IACHR's periods of sessions. As a result of those meetings, the State extended an invitation to the IACHR to conduct a working visit to the country, which was formalized by means of an official communication of October 20, 2017. The Commission accepted the State's invitation in an official communication dated November 8, 2017, and the working visit took place on November 23 and 24, 2017. During the visit, the IACHR noted the State's willingness to assume a series of commitments in order to respond adequately to the problems identified with the IACHR's technical support. In addition, at its meetings with victims and civil society organizations, the IACHR observed the urgency of meeting its recommendations in order to improve the human rights situation in the country.

6. Following the working visit, the IACHR received Note No. 1076 of December 1, 2017, from the Permanent Mission of the Dominican Republic to the Organization of American States (OAS), whereby the State formally submitted the document "Working Group on the Implementation of Human Rights Policies in the Dominican Republic," containing a proposal for discussions about the State's actions underway regarding the acquisition of nationality and immigration, policies for combating all forms of discrimination, and policies on the rights of women and gender equality. The proposal included two working meetings during 2018: one in Santo Domingo and the other in Washington, D.C. Based on the foregoing, the Commission decided it had received sufficient information about the State's ongoing measures that could gradually and over the long term help contribute to overcoming the conditions that gave rise to the country's inclusion in Chapter IV.B of its 2016 Annual Report. Accordingly, pursuant to Article 59.9 of its Rules of Procedure, the IACHR decided to follow up on the recommendations formulated in its report on the situation of human rights in the Dominican Republic, in Chapter IV.B of its 2016 Annual Report, and in Chapter V of its 2017 Annual Report.

7. In pursuit of the work plan, the IACHR set up the Working Group on the Implementation of Human Rights Policies in the Dominican Republic that took place in 2018 and 2019.²

8. The Working Group's first phase involved two meetings attended by the Inter-American Commission on Human Rights, representatives of the Dominican State and civil society, and national and regional observers. The first meeting took place at IACHR headquarters in Washington, D.C., while the second was held in the city of Santo Domingo, Dominican Republic.

9. At the conclusion of the Working Group's first phase, the Commission assessed the progress made and challenges still pending in Chapter V of the IACHR's 2018 Annual Report. Although pending tasks and challenges to attain full compliance with the recommended measures were identified, the Commission applauded the actions taken by the State to reach solutions for the human rights situation in the Dominican Republic, particularly as regards the acquisition of nationality, immigration, policies to combat all forms of discrimination, and policies on the rights of women and gender equality.

B. Current Context

10. The Working Group's second phase took place during 2019 and involved four commitments assumed by the Dominican State: (i) holding a working meeting with civil society, which took place on May 23, 2019,³ (ii) responding to a human rights questionnaire supplied by the IACHR, through which the Commission

² IACHR, Press Release 75/2018, [IACHR Installs Working Group on Implementation of Human Rights Policies in the Dominican Republic](#), April 3, 2018.

³ IACHR, Press Release 273/19, [IACHR presents the results of its efforts to monitor the Working Group on the Implementation of Human Rights Policies in the Dominican Republic](#), Washington, D.C., October 25, 2019.

received a note dated November 6, 2019, from the Permanent Mission of the Dominican Republic to the OAS, containing the State's reply to the questionnaire,⁴ (iii) organizing a human rights training session for public officials, which took place in the Dominican Republic on August 13 and 14, 2019,⁵ and (iv) presenting a year-end report in Washington to set out the country's progress with human rights. That presentation took place at the Commission's headquarters on November 25, 2019, and was attended by representatives of the State and the Inter-American Commission. The IACHR acknowledges and expresses its gratitude for the copious information presented by the State at the meeting of November 25, 2019, and for the note dated November 26, 2019, containing the Dominican State's report on public policies for human rights submitted to the IACHR.

11. Based on the foregoing, the IACHR considers that throughout the year 2019, the State has fully complied with the commitments assumed with the IACHR as a result of the Work Table, which has enabled progress towards the search for solutions. to the critical situations raised throughout this chapter.

12. On December 13, 2019, the IACHR transmitted to the Dominican Republic a copy of the preliminary draft of Chapter V of its Annual Report 2019, in accordance with article 59, paragraph 10 of its Rules of Procedure, and requested the submission of its observations within a 3 weeks deadline. After requesting an extension of the deadline, the State transmitted its observations on January 10, 2020. The IACHR approved Chapter V of its 2019 Annual Report on February 24, 2020.

13. This report is structured around the topics arising from the recommendations formulated by the Inter-American Commission for the Dominican State under the aegis of the Working Group and the challenges that still have to be met: in other words, acquisition of nationality, immigration, policies for combating all forms of discrimination, and women's rights. Each section analyzes the main progress and pending challenges identified by the IACHR from the information provided by the State and the civil society organizations, and through the information that the IACHR has gathered by monitoring the commitments assumed by the State as a result of the Working Group and its monitoring of the general human rights situation in the country. In particular, the Commission made use of information received at public hearings, ex officio investigations, replies to requests for information made under the power granted by Article 41 of the American Convention on Human Rights, and information available from other public sources and specialized international organizations. Finally, the IACHR presents its conclusions and recommendations.

II. FOLLOW-UP OF RECOMMENDATIONS

A. Acquisition of Nationality and Immigration (public policies following Judgment 168-13: Law No. 169-14 the National Plan for the Regularization of Foreigners)

- State measures necessary to ensure access to documents, in conditions of equality and without discrimination, and to increase effective access to civil registries.
- Measures to ensure the registration of births, in conditions of equality and without discrimination, including the late registration of births.
- Comprehensive enforcement of Law No. 169-14 to ensure its full compliance and measures to facilitate means to guarantee the population effective access to documents.

⁴ Permanent Mission of the Dominican Republic to the Organization of American States (OAS), Note MP-RD-OEA 0785-19, November 6, 2019.

⁵ IACHR, Press Release 273/19, [IACHR presents the results of its efforts to monitor the Working Group on the Implementation of Human Rights Policies in the Dominican Republic](#), Washington, D.C., October 25, 2019.

- Appropriate mechanisms to investigate and deal with potential cases of persons born between 2007 and 2010 whose births were never registered and who did not lodge applications for the procedure established by the Law, along with the children of mixed couples.
- Measures to make progress with the implementation of the National Plan for the Regularization of Foreigners and to offer alternatives for migrants to access the registry and secure documents.
- Measures to improve and ensure the security and physical integrity of migrants.
- Actions to prevent illegal expulsions and deportations.

14. First of all, regarding **state measures necessary to ensure access to documents, in conditions of equality and without discrimination, and to increase effective access to civil registries**, in its observations on the draft of this report, in relation to Group A of Law No. 169-14, the State informed that it corresponds to those descendants of foreigners in an irregular migratory situation who were previously registered in the Dominican Civil Registry, even though, in principle, it would not correspond to them, but according to Law n. 169-14 were recognized for their nationality as Dominicans. The State indicated that, after it was ordered to the Central Electoral Board to make the return, as the case may be, of the identity documents, immediately an assessment was carried out in all the clerkships of the country, which consisted of conducting a thorough audit of the books-records of the Civil Registry of the Dominican Republic from June 21, 1929 to April 18, 2007, and whose results showed a total of approximately 55,000 people of 103 nationalities (Haitian, American, Spanish, Dutch, Venezuelan, Colombian, Japanese, French, among others). Once the audit process was completed, the Commission of Officials of the Central Electoral Board made the following decisions: 24,890 authorized; 27,735 to be transcribe; pending an amount of 3,599 cases, due to the complexity of the file or because the interested parties were not located to obtain the necessary information (within them, deceased people or residing in another country); or because they are unique books, totally or partially destroyed⁶. In addition, the State indicated that the documents of the beneficiaries of Law No. 169-14 could be issued at any of the offices of the Central Electoral Board (JCE), with which people would no longer have to travel to the office where their birth had been recorded.⁷

15. Similarly, he reported that in accordance with the provisions of Law No. 169-14 regarding Group A, the JCE has processed 61,284 cases of persons; Of these, 97.96% have authorized, transcribed or excluded status. In relation to the files not contemplated in the survey, the State informed that they are sent to the Directorate of Inspection for the Commission of Officials to resolve if it orders to authorize or transcribe the file.

16. Regarding Group B, in its observations on the draft of this report, the State informed that, according to its "National Plan for the Regularization of Foreigners in Irregular Migration Situation in the Dominican Republic" (PNRE), it is categorized as those descendants of people with an irregular immigration status, who were born in the country and were not registered in the Civil Registry, but who have lived all their lives in the Dominican Republic. In that case, the State reports that the entity responsible for receiving the documentation, evaluating it and deciding its admission or rejection would be the Ministry of Interior and Police, according to the criteria established by Law No. 169-14. Once the evaluation of these cases was completed, 6,535 files were sent to the Central Electoral Board during the entire process, which are registered

⁶ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 1.

⁷ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 4.

in the Aliens Book. Likewise, he indicated that after the 2-year term they will be able to obtain their “foreigner-do not vote” card, and then acquire Dominican nationality by naturalization⁸.

17. The State indicated that, until December 30, 2019, of a total of 4,346 files ready for issuance of certificates, only 1,966 people would have requested and obtained their foreigners ID card, with which they can enjoy the rights to education, health, work and that, in addition, after two years they could opt for naturalization. Likewise, he informed that in the remaining 2,189 cases, they correspond to a group whose files present situations that public bodies must solve; and clarifies that said group has a birth certificate that facilitates access to certain procedures in the country, and they are holders of a card issued by the Ministry of Interior and Police, which allows them to freely travel through the Dominican territory. In addition, the State emphasized that it has pursued different steps to regularize the beneficiaries of Law No. 169-14. It also said, however, that more than half those beneficiaries had not yet reported to collect their identity documents.⁹

18. On the other hand, in relation to increasing the paths for effective access to the civil registry, the State informed that the JCE has adopted measures to meet the particular needs of the population. These include: i) the formalization of a framework agreement with the National Council for HIV and AIDS (CONAVIHSIDA) to offer special support in the provision of identity documents to persons assisted by said institution and ii) the provision of a mobile brigade of identification and capture of biometric data to assist people who for reasons of health, disability or age can not move to ordinary establishments. Regarding Group B, it stated that as of October 22, 2019, a total of 1,799 individuals had requested and obtained their foreigners' ID cards, with which they can enjoy the right to education, health, and work and, after a further two years, they can request naturalization¹⁰

19. In this regard, the IACHR was informed of the confirmation of the nationality of 26,153 people Group A¹¹. Dominican civil society organizations indicated to the IACHR that they would not have been informed about procedures or new figures of Dominican citizens who were restored to access their identity documentation under Law No. 169-14¹². They also pointed out that the number of people benefiting from Law No. 169-14 can only be provided by the JCE, since there is no mechanism for civil society organizations to quickly verify and monitor the available information.¹³

20. In its observations on the draft of this report, the State indicated that there are 28,059 records as of November 22, 2019 that were regularized and are ready and available to deliver, but even the beneficiary citizens have not submitted to require their issuance before no dependency of the Central Electoral Board. Of this total, 12,971 correspond to the transcribed status and 15,088 to the authorized status¹⁴

21. Likewise, in its observations on the draft of this report, the Dominican State informed that the Central Electoral Board instructed on November 15 and 29, 2019, the guidelines and procedure to be followed

⁸ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 4.

⁹ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 4. Dominican Republic, Report of the Dominican State on Public Human Rights Policies presented to the Inter-American Commission on Human Rights, November 26, 2019, p. 4.

¹⁰ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 6.

¹¹ CIDH, 2019, Archivo CIDH.

¹² Dominican@s por Derecho, Working Table on Implementation of Human Rights Policies in Dominican Republic, 2019, p. 2.

¹³ Jacques Viau Network, Response to the Questionnaire sent by the IACHR, 2019, p. 1.

¹⁴ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 3.

by the Officials of the country in order to conclude with the possible family fence of children of parents of other nationalities that would still remain without regular status¹⁵.

22. On the other hand, within the framework of the implementation of a joint program of the JCE and the United Nations High Commissioner for Refugees (UNHCR), consisting of the realization of mobile brigades that aim to reach the population benefiting from Law No. 169-14 to achieve full implementation of document delivery¹⁶, civil society organizations indicated that there is no knowledge of brigades executed after the date indicated¹⁷, that these only took place between the August 8 and 10, 2018, and which consisted of three mobile operations in the province of San Pedro de Macorís¹⁸. To that effect, they stressed that the brigades carried out have not had an effect on the solution of cases of persons affected by Judgment TC / 0168/13¹⁹.

23. In its observations on the draft of this report, the State indicated that with the mobile brigades of late registration of birth, 61 communities have been reached, through this program they have been included in the Dominican Civil Registry since August 2017 As of August 2019, 90,777 people, leaving in each of the communities involved a set of local actors from the different state institutions involved²⁰.

24. The Commission observes that from the audit ordered by Judgment TC / 0168/13, the State identified a total of 61,132 people that make up Group A of people benefiting from Law No. 169-14²¹. For their part, civil society organizations expressed concern because the figures for the reference audit continue to vary. Thus, they reported 55,000 minutes in 2015, a total of 61,049 in 2018, and 61,229 in May 2019²². Also, they indicated that there is no knowledge of a new audit that justifies the increase of people affected by Judgment TC / 0168/13²³. The Commission does not have information to establish the number of people who have received their documents.

25. Likewise, the IACHR observes that in relation to the main obstacles to obtaining the documentation of the people of Group A of Law No. 169-14 identified by the National Immigrant Survey (ENI) 2017, the following stand out: i) multiple times that people had to go to the JCE offices; ii) the transfer to different places to follow up the process; iii) the lack of information regarding the state in which the process was located, iv) the requirement of multiple family identity documents, and v) how burdensome the process is for people and the general misinformation about the status of the process²⁴.

26. While the IACHR has praised the progress in the adoption of measures to facilitate the delivery of documents and access to the civil registry, it also observes that, in accordance with the latest information provided by the State, the population that has not gained access to its Identity documents could exceed 30,000 people, without providing updated information to identify that this figure has decreased. On the other hand,

¹⁵ Dominican Republic, Observations of the Dominican State on the draft of Chapter V on follow-up to the recommendations made by the IACHR in the Report "Situation of Human Rights in the Dominican Republic", January 10, 2020, p. 3.

¹⁶ Dominican Republic, Second Working Group on the Implementation of Human Rights Policies, November 20 and 21, 2018, IACHR Archive.

¹⁷ Jacques Viau Network, Response to the Questionnaire sent by the IACHR, 2019, p. 2.

¹⁸ Dominican @ s by Law, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 2.

¹⁹ Dominican @ s by Law, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 2.

²⁰ Dominican Republic, Response to the questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 6.

²¹ IACHR, Annual Report. Dominican Republic, 2018, para. 18.

²² OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p.40.

²³ Jacques Viau Network, Response to the Questionnaire sent by the IACHR, 2019, p. two.

²⁴ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p.44.

civil society organizations denounced that less than 10% of the people affected by the Judgment TC / 0168/13 have seen their right to nationality restored²⁵.

27. The IACHR warns - as it has indicated on other occasions - that Judgment TC / 0168/13 had as a direct consequence the arbitrary deprivation of Dominican nationality to a considerable number of people and left stateless persons to all those who were not considered as nationals of yours by any other State in accordance with its legislation²⁶. In this context, the Commission warned that, in accordance with the international obligations of the State, it should refrain from adopting discriminatory measures and enacting or perpetuating laws that arbitrarily deprive people of their nationality on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, economic position, birth or any other condition, especially when those measures and laws have the effect of making a person stateless²⁷. Likewise, the IACHR reiterates that the adoption of such measures represents a violation of the right to nationality and is arbitrary²⁸.

28. The IACHR observes that six years have elapsed since the promulgation of Judgment TC / 0168/13 by the Dominican Constitutional Court and that the obstacles faced by the affected population persist, such as the lack of updated information regarding the number of people who have had effective access to their documentation, as well as lack of clarity in the actions undertaken by the State to achieve effective access to the civil registry and lack of mechanisms to monitor the implementation of said actions.

29. Based on the information analyzed, the IACHR concludes that this recommendation is in partial compliance. Therefore, it urges the State to continue implementing measures to guarantee access to documentation, in equality and without discrimination and to increase the paths for effective access to civil registration to the entire affected population.

30. As regards **measures to ensure the registration of births, in conditions of equality and without discrimination, including the late registration of births**, the State again informed the IACHR of the existence of the Framework Interinstitutional Cooperation Agreement for the Timely and Late Registrations of Births, signed by the Ministry of Public Health (MISPAS), the National Health Service (SNS), the General Directorate of Special Projects of the office of the President of the Republic (DIGEPEP), and the United Nations Children's Fund (UNICEF).²⁹ It added that as part of its actions under this framework agreement, it has deployed mobile brigades for late birth registrations, through which it has assisted more than 15,274 people in 61 communities since 2017. Similarly, it has provided local actors from various state institutions and civil society with training to enable those individuals who could not complete their processes during the mobile brigades' visits to do so subsequently.³⁰

²⁵ Center for Justice and International Law (CEJIL), the Network of the Americas on Nationality and Statelessness, the Institute for Statelessness and Inclusion, Robert F. Kennedy Human Rights and Dominican @ s for Law, EPU Press Release, January 29 from 2019

²⁶ IACHR, Report on the situation of human rights in the Dominican Republic, OEA / Ser.L / V / II. Doc. 45/15, December 31, 2015, para. 237

²⁷ IACHR, Report on the situation of human rights in the Dominican Republic, OEA / Ser.L / V / II. Doc. 45/15, December 31, 2015, para. 231-237

²⁸ IACHR, Report on the situation of human rights in the Dominican Republic, OEA / Ser.L / V / II. Doc. 45/15, December 31, 2015, para. 231.

²⁹ 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, Working Group on the Universal Periodic Review, 32nd session, November 7, 2018, para. 87, p. 11. Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 3.; And: Dominican Republic, Observations of the Dominican State on the draft of Chapter V on follow-up to the recommendations made by the IACHR in the Report "Situation of Human Rights in the Dominican Republic", January 10, 2020, p. 6.

³⁰ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 6.

31. Specifically, it reported that birth registration coverage stood between 66% and 82% at the 21 priority hospitals and at 60% at the seven hospitals that were later brought into the program. It also stated that during 2019 it had distributed identity documents to a total of 532 women through the implementation of the Prenatal Records Program, which is intended to identify pregnant women to determine whether they have ID documents and, if they do not, to provide personalized attention for them to be provided with such.³¹ Likewise, in its observations on the draft of this report, the State indicated that it designed and implemented a campaign to promote the importance of timely and late registration of birth, in Spanish and Creole, as well as training for the staff of the Delegations. of Registry of the Civil Status also in Creole. The IACHR takes note and acknowledges the increase in the capacity of the registry offices in hospitals and the training and awareness actions of officials and the population on the subject.

32. The State also reiterated that for those Dominican nationals who have been mistakenly registered in the Foreigners' Book, there is an administrative procedure through which the relevant Civil Registry Clerks' Office can include the entry in the correct book and leave the incorrect record void of all effect.³² In connection with this, the civil society organizations told the IACHR they were unaware of any measures taken by the State to correct that situation.³³

33. Regarding the transcription process for the beneficiaries of Law No. 169-14, the IACHR notes that the State reported that as of November 6, 2019, a total of 27,976 people of the 61,256 identified through the audit ordered by Judgment TC/0168/13 and Law No. 169-14 had been recorded in the Transcriptions Book.³⁴

34. In turn, the civil society organizations said they were unaware of any specific measures taken with respect to the population affected by Judgment TC/0168/13.³⁵ They also said steps had to be taken to overcome the constant difficulties in the provision of services at the Clerks' Offices, which particularly affect the population covered by Judgment TC/0168/13 by failing to provide them with effective and lasting solutions.³⁶

35. They further added that the transcriptions were based on an incorrect interpretation of Article 2 of Law No. 169-14, given that the text of that article states that the transcription must be made in the Civil Status Book and so transcription in any book other than the original Civil Status Book is a way of maintaining the effects of Judgment TC/0168/13.

36. As regards the annulment of the birth certificates of persons in Group A, the State presented no figures to update the information reported in 2018. The IACHR reminds the State that it is important that it receives information on the number of certificates that are being transcribed and that could be challenged through annulment suits on account of the legal insecurity that could arise from the situation.

37. Regarding persons who were never registered or received birth certificates (Group B), the State reported that of the total number of 8,755 individuals who applied to the Ministry of Interior and Police

³¹ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 3.

³² Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 7.

³³ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 5.

³⁴ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 6.

³⁵ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 3.

³⁶ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 3.

for regularization, a total of 6,533 completed case files were sent to the JCE.³⁷ Of those: (i) 4,247 case files were concluded, 2,241 were incomplete, 92 require further investigation and 13 were rejected. In addition, the State reported that of all the people in Group B entitled to file naturalization applications, only 751 had done so, including 464 children and adolescents.³⁸

38. Regarding the approval of the files that the JCE receives from the Ministry of Interior and Police, the State informed that the documentation detailed in article 12 of Decree No. 327-13 must be accompanied in order for applications to be admitted. In addition, he noted that in accordance with the process established in Dominican legislation, in the face of the denial of the request, the appeal for reconsideration can be brought before the governing body of the Regularization Plan³⁹. Finally, he added that if a person does not qualify for immigration regularization, once the evaluation process is completed, they must comply with the provisions of Law No. 285-04 on General Migration.⁴⁰

39. Regarding the appeal for reconsideration, civil society organizations expressed to the IACHR that the governing body of the Regularization Plan ceased to exist from before the end of the first phase, without the provision of legal actions for subsequent review. Similarly, they add that such actions would be difficult for interested persons to access, due to the lack of financial means to pay a lawyer. For its part, the IACHR obtained information on the approval by the Ministry of Interior and Police of 6,559 records of the 8,755 records of people who accepted the National Plan for the Regularization of Foreigners. The Ministry of Interior and Police also authorized people with incomplete records to review and complete their records. The IACHR obtained information on 490 completed files of the 2,000 files subject to review by the Ministry of Interior and Police. In addition to the above, the IACHR also received information on the delivery of identity documents to 3,928 people of Group B by the Central Electoral Board, obtaining 2,782 permanent residence permits for Group B persons by the General Directorate of Migration and the naturalization request of 1,404 people belonging to this group. As regards the implications of documents given to the members of Group B for the exercise and enjoyment of human rights in the areas of education, health, work, and others, the State emphasized that the people in Group B have birth certificates with which they can enjoy those rights while the ID card issued by the Ministry of Interior and Police allows them free transit in Dominican territory.⁴¹

40. The State also reported the creation of a working table with technicians from different areas responsible for working exclusively with the cases of children of foreign parents in an irregular situation born in the Dominican Republic and who are not registered in the Civil Registry. In particular, he pointed out that General Law No. 285-04 on Migration is the one that applies to the cases of people in said situation, if they did not formalize their applications through the procedure established in Law No. 169-14⁴². For its part, civil society informed the IACHR that it was not aware of measures taken regarding this situation, and that the State's response in this regard has been not very precise⁴³. To this effect, they have mentioned that in practice

³⁷ Dominican Republic, Report of the Dominican State on Public Human Rights Policies presented to the Inter-American Commission on Human Rights, Washington, D.C., November 26, 2019, p. 6.

³⁸ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 11.

³⁹ Article 35 of Decree 327-13 of the Dominican Republic

⁴⁰ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 11.

⁴¹ IACHR, 2019, IACHR Archive.

⁴² Dominican Republic, Response to the questionnaire of the First Working Group on the Implementation of Human Rights Policies in the Dominican Republic, July 2018, p. 10, IACHR File.

⁴³ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 5.

some officials have made late registration by registering in the Foreigners Book, which results in a restriction on the exercise of civil and political rights and a lack of recognition as beneficiaries of the Law No. 169-14⁴⁴.

41. The IACHR observes that the challenges to guarantee access to birth registration for people affected by Judgment TC / 0168/13 of the Constitutional Court persist. These include: i) the lack of updated information regarding the beneficiaries and ii) the absence of agreement between the State and civil society organizations on the measures implemented to guarantee birth registration, including late registration, as well as the procedures in force and which are applicable to guarantee access to the birth registration.

42. Based on its analysis, the IACHR finds that the recommendation has been partially implemented. It therefore urges the State to continue with the implementation of measures to ensure the registration of births, in conditions of equality and without discrimination, including the late registration of births, and to present up-to-date information that will allow it to analyze and determine the level of compliance with the recommendation, in accordance with the international obligations assumed by the State.

43. Regarding the **comprehensive enforcement of Law No. 169-14 to ensure its full compliance and measures to facilitate means to guarantee the population effective access to documents**, the State indicated it had given permanent follow-up to the enforcement of the law through regular meetings of the Clerks' Commission, to prepare a balance sheet on the number of completed files and on the number of beneficiaries whose birth certificates and identity cards are available and have been collected. It also reported that as an accountability mechanism, the JCE periodically updated this information on its web page.⁴⁵

44. Regarding the comprehensive enforcement of Law No. 169-14, the civil society organizations said that because of the ambiguous text of the law and the different interpretations of it offered, its comprehensive enforcement is difficult. That is because it is difficult to implement a naturalization process that is applicable solely to foreigners to people born in Dominican territory who have been denied Dominican nationality.⁴⁶ Thus, they stressed that recording people who applied to the Naturalization Plan in any of the Foreigners' Books is contrary to the recommendation made by the IACHR during its on-site visit to the Dominican Republic.⁴⁷

45. In connection with measures to ensure follow-up and accountability for the effective enforcement of Law No. 169-14, the civil society organizations told the IACHR that other than the lists from the Clerks' Offices in San Pedro, Los Llanos, and Ramón Santana, no disaggregated information has been obtained. They also claim that the document provided does not allow them to check that beneficiaries have effectively been given their documents.⁴⁸

46. Regarding the persons belonging to Group B of Law No. 169-14, civil society organizations indicated that to date there is no clear and transparent regulation, protocol or procedure aimed at facilitating the delivery of identity documents to 8,755 people who applied to the special procedure provided by said Law. In turn, they detailed that they have been informed about the availability of identity cards and the requirements for obtaining them in the city of Santo Domingo. However, upon arrival at the facilities they have been informed that their documents are still under verification or pending authorization. As they point out, the independent

⁴⁴ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 5.

⁴⁵ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, pp. 8, 9.

⁴⁶ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 4.

⁴⁷ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 4.

⁴⁸ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 3.

user does not have access or possibility to access information about their documents, which is also affected by the lack of instructions, protocols and procedures related to the implementation of Law No. 169-14.⁴⁹

47. Regarding the implications of the documentation given to the people of Group B for the exercise and enjoyment of human rights in matters of education, health, work, among others, civil society organizations indicated that the certificate Birth does not document the identity of the person. In particular, they pointed out that, although the certificate is recognized by the basic and secondary school system, it does not allow access to state social services and has a stigma for the provision of public health services. On the card, they explained that there are difficulties in capturing the system of this documentation that allows for social security contributions since there is a discrepancy between the social security law and the resolution. They added that only two universities accept registration at a higher level by presenting the card, even with substantiated doubts for the degree. In general, they emphasized that there is a stigma for the provision of health services, access to formal employment and social security. This is due to the fact that Haitian nationality is presumed mainly or not identified as beneficiaries of Law No. 169-14⁵⁰.

48. In the same vein, according to the information provided by civil society organizations, the Commission observes that despite the fact that the carrying of the identity card would entail access to all civil rights, in practice they are presented a multitude of obstacles to it. Among the obstacles are: i) the people who own it are not identified as beneficiaries of Law No. 169-14; ii) difficulties in updating databases for obtaining financial and commercial services, in some cases even an identity passport and other documents are requested; iii) the foreigner's ID implies the collection of higher fees for administrative procedures and the payment of university credits at a private level; iv) the card is only issued and renewed in Santo Domingo⁵¹. Finally, they mentioned that nationality via naturalization is governed by Law 1683 on ordinary naturalization and does not imply that people are considered as full-fledged Dominicans. In the case of children and adolescents, it also requires that fathers or mothers be of Dominican nationality. This, coupled with the loss and can be eliminated at any time, leaving people at high risk and vulnerability⁵².

49. Regarding the naturalization process, civil society organizations stated that it is composed of four phases: i) receipt of applications by the Ministry of Interior and Police; ii) review by the National Intelligence Department; iii) publication of the Decree; and iv) swearing in of nationality. They also added that, although the process began in October 2018, the State has not implemented campaigns aimed at informing users about it. For their part, they indicate that they have not received information, either through the website of the Ministry of Interior and Police or other media, about the requirements of the process. They also emphasized that this is especially relevant in the case of Group B persons, since it is not clear the applicability of the current Law on naturalization designed for foreigners, of legal age and carrying a passport⁵³.

50. In this regard, civil society organizations added that more than 300 people who have been accompanied in the process are unaware of the status of their files after one year of having submitted them to the Ministry of Interior and Police⁵⁴. They also pointed out that a journalistic report dated May 20, 2019

⁴⁹ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 5.

⁵⁰ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 3.

⁵¹ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 4.

⁵² Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 5.

⁵³ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p. 45

⁵⁴ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 6.

indicated the existence of at least 800 naturalization requests, without counting any person effectively been naturalized⁵⁵, although they acknowledged ignoring the number of people who have actually been naturalized⁵⁶.

51. Finally, the organizations detailed that the requirements of the process are very demanding and include, among other inexperienced records, copies of ID, residence card, six photos, certificate of no criminal record, documents of the parents, instances of application by the interested person and seven copies of the original file⁵⁷. The foregoing, as mentioned, is aggravated by the fact that people live in isolated bateyes and do not have the information and resources necessary to manage the required documents⁵⁸.

52. Based on the information analyzed, the IACHR observes that important challenges remain to achieve full implementation of Law No. 169-14. These include access to information for affected people regarding existing procedures, as well as the figures of people who have reached a lasting solution in terms of nationality. Therefore, the IACHR considers that this recommendation is in a state of partial compliance.

53. The State provided no updated information regarding **appropriate mechanisms to investigate and deal with potential cases of persons born between 2007 and 2010 whose births were never registered and who did not lodge applications for the procedure established by the Law, along with the children of mixed couples**. However, it did indicate that the terms of Article 6 of Law No. 169-14 apply to the provision of identity documents to children born to foreign parents whose presence in the Dominican Republic was irregular and who are not recorded in the civil registry; thus, individuals in that situation may be entered into the Foreigners' Book in accordance with Law No. 285-04⁵⁹. Furthermore, regarding the adoption of new legislation to recognize the right to obtain citizenship of those born in the Dominican Republic before January 26, 2010, and to introduce a fast-track naturalization process for the members of Group B of Law No. 169-14, the State reiterated that the reception of naturalization applications has concluded.⁶⁰

54. In turn, the civil society organizations said there had been no significant progress made with this topic.⁶¹ They also stated they were aware of only one case in which the judiciary had responded favorably, but that the legal counsel and documents required by cases of this kind meant high costs.⁶²

55. The IACHR observes that the Center for Migration Observation and Development in the Caribbean (OBMICA) presented on October 5, 2018 the Protocol of Legal Accompaniment to Descendants of Mixed Couples, a tool to contribute to the prevention of cases of underreporting of births of sons and daughters of mixed couples in the Dominican Republic⁶³. The protocol collects the learning in the subject and seeks to

⁵⁵ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p. 45

⁵⁶ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 7.

⁵⁷ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 7.

⁵⁸ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p. 46

⁵⁹ Dominican Republic, Response to the questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. eleven.

⁶⁰ Dominican Republic, [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#) (addendum), A/HRC/41/16/Add.1, Human Rights Council, Report of the Working Group on the Universal Periodic Review, 41st session, May 27, 2019, para. 18, p. 3.

⁶¹ Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 8.

⁶² Dominican@s por Derecho, Working Group on the Implementation of Human Rights Policies in the Dominican Republic, 2019, p. 8.

⁶³ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p. 47

serve as a practical reference for organizations and community leaders that accompany people in the search for solutions for their situation. At the same time, it addresses the main challenges for the registration of birth of sons and daughters of mixed couples, among which are: i) the presentation of identity and electoral card of the Dominican parent and foreign passport to proceed with the declaration,⁶⁴ ii) lack of parental recognition; iii) the confusion generated by the introduction of a different birth registration system for children of foreign non-resident mothers; iv) the discrepancies between established requirements and procedures and those required by Civil Status Officials; v) the complexity of procedures for correcting errors in live birth certificates by health centers; and vi) ignorance of rights and lack of information⁶⁵.

56. Based on the foregoing, the IACHR notes the continued lack of measures to address the situation of people born between 2007 and 2010 whose births were never registered and who did not file applications for the procedure established by the law, or the situation of children of mixed couples, and that the State has expressly indicated that the deadline for the presentation of naturalization applications has passed. Accordingly, the Commission believes that the recommendation remains pending compliance and it impresses on the State the need to find solutions that will allow those persons to register their births and to enjoy protective guarantees in order to place them in the same situation as those individuals who were able to benefit from Law No. 169-14.

57. Regarding **measures to make progress with the implementation of the National Plan for the Regularization of Foreigners (PNRE) and to offer alternatives for migrants to access the registry and secure documents**, the State reported that of the total number of foreign persons registered with the PNRE, 259,976 were regularized, as follows: (i) 252,142 people were given non-resident permits, and (ii) 7,834 were given regular temporary residence permits.⁶⁶ In addition, in its comments on the Universal Periodic Review (UPR), the State noted that of all the regularized persons, 97.8% were of Haitian nationality.⁶⁷ It also reiterated, both to the IACHR and to the Human Rights Council, that the PNRE concluded on August 28, 2018.⁶⁸

58. The State reported that 203,797 people with non-resident permits visited the different centers set up by the DGM across the country to request a renewal or change of their immigration category. The changes of category granted broke down as follows: (i) 9,835 people received regular temporary residence permits, (ii) 183,720 were given seasonal worker permits, and (iii) 8,637 received student permits. Of those who were given regular temporary residence permits, 5,876 reported to the DGM's headquarters to request the renewal or change of their migration category.⁶⁹

59. Civil society organizations expressed concern to the IACHR for those who did not receive answers or who resorted to reconsideration of their cases and thus were left out of the Plan. This, because they would be at risk of being deported because they are living in Dominican territory in an irregular immigration

⁶⁴ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p. 4.

⁶⁵ OBMICA, 2019, Estado de las Migraciones que atañen a la República Dominicana 2018, Santo Domingo, EditoraBúho, p. 48.

⁶⁶ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 12. IACHR, [Annual Report Dominican Republic](#), 2018, para. 49.

⁶⁷ Dominican Republic, [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#) (addendum), A/HRC/41/16/Add.1, Human Rights Council, Report of the Working Group on the Universal Periodic Review, 41st session, May 27, 2019, para. 19, p. 4.

⁶⁸ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 14. Dominican Republic, [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#) (addendum), A/HRC/41/16/Add.1, Human Rights Council, Report of the Working Group on the Universal Periodic Review, 41st session, May 27, 2019, paras. 18, 21, pp. 3, 4.

⁶⁹ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 13.

situation⁷⁰. Likewise, they specified that only about 3% of the beneficiaries of the PNRE obtained a Temporary Residence Permit and a Dominican personal identity card, and that the majority were attributed the “Generic Non-Resident Category”⁷¹.

60. The IACHR notes that the figures presented by the civil society organizations for category renewals and changes differ from those submitted by the State. The organizations stated that 197,500 people with non-resident status chose to renew that immigration category, of whom 135,000 received the non-resident immigration category with temporary work permits (TT-1), which is not included among the immigration categories in either Law No. 285-04 or Regulations No. 631-11.⁷²

61. Based on what has been developed, the IACHR observes that the State has facilitated procedures for the implementation of the PNRE and subsequent procedures to carry out the change or renewal of the migratory category. However, the Commission notes that difficulties persist for this purpose, such as the lack of clarity in the application of migratory categories and the possibility that there are people at risk of being deported due to the impossibility of regularizing their immigration status. The foregoing, coupled with the fact that the State has maintained that the term for the implementation of the PNRE has already ended. That is why the Commission considers that this recommendation is in a state of partial compliance, and in this regard, it urges the State to overcome the difficulties and obstacles in the implementation of the PNRE as well as in the process of change or renewal of the migratory category, that allow the regular stay of this group of people in the Dominican Republic.

62. As regards measures **to improve and ensure the security and physical integrity of migrants**, the State reported that the preliminary draft version of the General Law to Regulate Political Asylum and the National Refugee Protection System was undergoing final validation by the members of the National Commission for Refugees (CONARE), prior to its submission to Congress by the executive branch of government.⁷³ For its part, civil society informed that said Law has not yet been adopted⁷⁴.

63. The State also reported on the DGM’s training of its personnel, which involves a module on human rights as a crosscutting topic within migration.⁷⁵ In this regard, in its observations on the draft of this report, the State sent information on training actions addressed to its officials, through its National Migration Directorate, the National Migration Institute, as well as with support from the International Organization of Migrations (IOM). Likewise, the Dominican Republic informed that through ministerial decree no. 408-04, the Inter-institutional Commission on Human Rights was created, made up of government institutions and representatives of civil society. Among other attributions, it is the responsibility of said Commission to train the civil servants who compose it in the area of human rights, as well as the public servants in general⁷⁶.

64. Regarding measures to guarantee access to education, health services, and housing for migrants within the territory of the Dominican Republic, the State again informed the IACHR of the adoption of the National Human Rights Plan (PNDH), which has a thematic axis dedicated to the rights of migrants, refugees,

⁷⁰ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 7.

⁷¹ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 8.

⁷² Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 7.

⁷³ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 14-15.

⁷⁴ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 8.

⁷⁵ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 17.

⁷⁶ Dominican Republic, Response to the questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 23.

asylum seekers.⁷⁷ However, the Commission notes with concern that the first six-monthly implementation report on the PNDH does not indicate the implementation of measures to guarantee the rights of migrants, refugees, and asylum seekers.⁷⁸ In its observations on the draft of this report, the Dominican State clarified that this first report only covers the first 6 months of the 4 years of execution proposed in the National Human Rights Plan and that each thematic axis of the Plan has different implementation deadlines⁷⁹.

65. The State also reported that the Ministry of Education has continued the enforcement of circular No. 18-2011, reiterated in circular No. 14-2013, which guarantees the enrollment of all children and adolescents at public education centers without the need to present birth certificates or other forms of registration. According to the State, this will also allow children and adolescents to receive the benefits of: (i) the School Food Program (PAE), (ii) the School Health Program, (iii) the Program for Students with Specific Education Support Needs, (iv) the Program for Students with Psychosocial Risks, (v) the Risk Management Program, and (vi) the Assistance Program for Families with Vulnerable Students. In particular, it stated that although the document is not required for enrollment, when such cases arise efforts are made in conjunction with the JCE to provide the students with documents.⁸⁰

66. Regarding migration by people from Venezuela, the State reported that there were around 40,000 Venezuelan nationals in the Dominican Republic. It also indicated that the procedures had been relaxed to allow them to leave the country and return to their country of origin. However, according to information published in the local press, around 97% of the Venezuelans living in the Dominican Republic were in irregular migratory situations because the periods allowed for them to remain in the country had expired and because the local Venezuelan embassy was practically nonfunctional.⁸¹ The IACHR recalls its entreaty for the OAS member states to adopt measures to strengthen mechanisms of joint responsibility with respect to the situation of Venezuelan migrants, and it also calls on them to adopt no measures that would curtail or undermine the human rights of migrants and refugees from Venezuela.⁸²

67. Furthermore, according to the information submitted by the State, during 2019 the National Refugee Commission (CONARE) heard several cases of asylum requests. However, the State reiterated the information submitted in 2018, indicating that only four persons had been granted refugee status in the Dominican Republic.⁸³

68. For its part, the IACHR received information on 88 asylum applications submitted by Venezuelan persons, of which only two have been resolved by CONARE with a decision to reject the request. The IACHR was also informed about the increase in immigration detention, deportations and refusal of admission of Venezuelan people⁸⁴.

⁷⁷ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 15.

⁷⁸ MIREX, [First Six-monthly Implementation Report on the National Human Rights Plan](#), 2019

⁷⁹ Dominican Republic, Observations of the Dominican State on the draft of Chapter V on follow-up to the recommendations made by the IACHR in the Report "Situation of Human Rights in the Dominican Republic", January 10, 2020, p. 7.

⁸⁰ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 15.

⁸¹ *Diario Libre*, [97% of Venezuelans in the Dominican Republic are there illegally](#), September 23, 2019. *Listín Diario*, [OAS estimates 40,000 Venezuelans in the Dominican Republic](#), October 8, 2019.

⁸² IACHR, Press Release 43/17, [IACHR Welcomes Measures to Provide Protection to Venezuelan Migrants in Peru and Calls on States in the Region to Implement Measures for their Protection](#), Washington, D.C., January 25, 2017.

⁸³ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 15.

⁸⁴ IACHR, 2019. IACHR Archive.

69. The IACHR notes that there are challenges for access to asylum in the Dominican Republic. These include: i) the 15-day period to request asylum after entering the country, ii) the lack of mechanisms at ports of entry for the identification of protection needs, iii) the lack of information on access to the system of asylum, iv) the inability to monitor immigration detention centers, v) lack of due process resulting in arbitrary and indefinite detention, vi) the high rate of rejection of asylum applications before CONARE⁸⁵.

70. In connection with the case of the sugarcane workers, the IACHR takes note of civil society's demand for the procedure whereby pensions can be obtained to be extended to all those people who worked in the sugar industry in the Dominican Republic, for which reason it is necessary to relax the requirements so that sugarcane the workers can access their pensions.⁸⁶ In connection with this, civil society noted its concern at the final closure of the Dominican Social Security Institute (IDSS) before the issue of the sugarcane workers' pensions had been resolved, despite the State's promise at the Working Group to address this as a priority matter.⁸⁷ Civil society again offered the IACHR its proposal to use the Sugar Council's records as evidence for identifying and documenting sugarcane workers and their families.⁸⁸

71. The representatives of civil society also informed the IACHR of a new situation affecting sugarcane workers, involving the onerous requirements they must meet to renew their residence permits. They are required to present: (i) two copies of the residence card, (ii) two copies of the identity card, (iii) two copies of the estate card, (iv) police records, (v) two 2x2 photographs, taken from the front without jewelry and against a white background, (vi) two 2x2 photographs, taken in profile without jewelry and against a white background, (vii) copies of identity documents, if available, including passport, registration card, or birth certificate, and (viii) a receipt for processing fees in the amount of 8,500.00 pesos, equal to US\$161.00. Civil society said that although the requirements are not difficult to meet, they do entail an investment of around 12,200.00 pesos (US\$231.09), which is an onerous amount given that sugarcane workers are paid around 8,000.00 pesos a month (US\$151.53). They therefore request that the authorities examine the possibility of waiving fees for the renewal of documents.⁸⁹

72. In addition, civil society insisted that access to pensions, registration cards, and permanent residence permits should be guaranteed to all the Dominican Republic's sugarcane workers.⁹⁰ The civil society organizations also said that resolving specific cases required the participation of representatives of the sugarcane workers, civil society, the State Sugar Council (CEA), and a representative of the new institution that is to replace the Dominican Social Security Institute (IDSS). This would enable the establishment of a working method to follow up on the issue and to ensure sugarcane workers and their families access to their pensions.⁹¹

73. In relation to trafficking in persons, the Commission warns that the latest information submitted by the State indicates that no complaints have been received about children and adolescents victims of trafficking networks⁹². However, in accordance with what was reported by the local press, during the first half of 2019 a total of 471 victims of human trafficking were rescued in their various modalities, including commercial sexual exploitation, smuggling of migrants, pimping and others related crimes, and that the situation has been aggravated and the increase in this type of crime has been observed as a result of the situation in Venezuela where most of the foreign women who are sexually exploited for commercial purposes

⁸⁵ IACHR, 2019. IACHR Archive.

⁸⁶ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 10.

⁸⁷ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 10.

⁸⁸ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 11.

⁸⁹ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 11.

⁹⁰ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 11.

⁹¹ Red Jacques Viau, Response to the Questionnaire sent by the IACHR, 2019, p. 11.

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

in the Republic come from Dominican⁹³. In addition, according to figures from the Office of the Special Prosecutor against Illicit Traffic in Migrants and Trafficking in Persons (PETT) published by the local press, approximately 118 children and adolescents have been rescued from trafficking in persons since 2017⁹⁴. Based on the foregoing, the IACHR reiterates the importance that the State guarantees the existence of mechanisms for the identification and protection of persons victims of trafficking in persons.

74. The IACHR takes note of the measures adopted by the State in connection with migrants' security and physical integrity. At the same time, it sees they are not enough to overcome the vulnerability faced by migrants, particularly people of Haitian descent or those perceived as such, on account of the historical and structural discrimination they have suffered in the Dominican Republic. The Commission therefore believes that this recommendation has been partially met. Accordingly, it urges the State to strengthen the implementation of measures to that migrants' human rights are respected and upheld, regardless of their migratory situation.

75. Finally, as regards **actions to prevent illegal expulsions and deportations**, the State said that deportations of foreigners were conducted in accordance with human rights, the guarantees of due process and the principle of legality established in the Dominican Constitution and in the General Migration Law (No. 285-04) and its Regulations, and in line with the provisions of Articles 7.3 and 22.9 of the American Convention. Specifically, it said that arrests of foreigners for deportation purposes were made as a last resort, in accordance with the General Migration Law and taking into account the established immigration rules. Once the deportation has been confirmed and the immigration irregularity established, the person is held in a center that meets international standards until the deportation can be carried out.⁹⁵ It further explained that the DGM's policy was to neither arrest or deport children or adolescents, pregnant and nursing women, older persons, or asylum seekers.⁹⁶

76. In addition, the civil society organizations denounced the home invasions suffered by sugarcane workers in the communities of Gonzalo, Carmona, Batey Nuevo, and Construcción, in the province of Monte Plata, that took place on December 10, 13, and 19, 2018, and again in the first days of 2019, and as a result of which the Union of Sugarcane Workers organized a protest in front of the DGM's offices on January 7, 2019.⁹⁷ According to the organizations, the sugarcane workers claimed that during the operations, members of workers' families who were legally resident in the Dominican Republic were detained and 18 people of Haitian origin who had been regularized were deported. That occurred despite the DGM having mechanisms to determine whether the workers had permits to stay or not.⁹⁸

77. Further to that, the IACHR takes note of the information presented by the Dominican Coalition for New Migration Management and the Venezuelan Diaspora in the Dominican Republic to the United Nations Human Rights Council regarding the arrest of Venezuelans in the street and on the metro and the raids conducted on their homes. The organizations claimed that the authorities act in the belief that people who "look

⁹³ Hoy Digital, [Tráfico y trata de personas en RD se eleva por situación Venezuela](#), July 29th 2019. Noticias Sin, [Procuraduría desmantela organización de trata de personas: rescatan 49 víctimas](#), October 1st 2019.

⁹⁴ El Caribe, [En dos años han rescatado 118 menores de edad víctimas de trata de personas](#), July 12 2019. Listín Diario, [Al menos 60 mil dominicanas son víctimas de trata](#), May 28 2019.

⁹⁵ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, pp. 16, 17.

⁹⁶ Dominican Republic, Reply to the Questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019, p. 17.

⁹⁷ OBMICA, 2019, *Estado de las Migraciones que atañen a la República Dominicana 2018*, Santo Domingo, Editora Búho, p. 15.

⁹⁸ OBMICA, 2019, *Estado de las Migraciones que atañen a la República Dominicana 2018*, Santo Domingo, Editora Búho, p. 15.

Venezuelan” are assumed to be irregular migrants, whereas in reality many have their papers in order and hold temporary Dominican visas.⁹⁹

78. On the other hand, civil society organizations reported on the practice of parallel deportations commonly known as “unofficial or unofficial” by members of security forces other than the DGM. To this effect, they said that unofficial deportations are carried out at informal crossings and generally without recording the circumstances and the people involved. Similarly, no prior notification is made to the person about the process initiated, which would make it difficult to challenge the legality of such acts. In addition, they reported that for unofficial detentions no official communication is made with the corresponding consulate. All of the above would generate difficulties for accounting and distinction between deportations and border returns, which in turn would raise the risk that people who had already entered the territory are expelled and counted as returned without prior investigation or registration¹⁰⁰.

79. In addition, the Support Group for Returnees and Refugees (GARR) denounced that between January and March 2019 a total of 23,941 forced repatriations were carried out, along with 265 voluntary returns, at official and non-official crossings on the Haitian border. In particular, they reported that Haitian citizens and nationals have been forcibly returned to the Haitian-Dominican border despite presenting the Dominican immigration officials with valid travel documents and having lived in the Dominican Republic for between three months and five years. They also reported the mistreatment of the Haitian returnees, including the confiscation of travel documents, the theft of valuables, and beatings.¹⁰¹

80. The Commission notes that in the enforcement of immigration laws, the fundamental right to equal protection before the law and to nondiscrimination require that states ensure that their law enforcement policies and practices are not unjustifiably directed at certain individuals solely on the basis of their ethnic or racial characteristics, such as skin color, accent, ethnicity, or residence in an area known to have high levels of a given ethnic population.¹⁰²

81. The Commission takes note of the measures adopted by the State regarding the application of the national and international regulatory framework in the deportation and / or deportation of migrants in the Dominican Republic. However, the IACHR expresses its deep concern over the continuity of the practice of expulsions and deportations of persons who, as they point out, have valid identity documents to remain in the country, as well as the possible ill-treatment that migrants suffer during deportation and / or expulsion proceedings. Based on the information analyzed, the IACHR concludes that this recommendation is partially complied with. In turn, it urges the State to adopt a specific policy aimed at reducing immigration detentions, as well as eliminating detentions and expulsions outside the Law.

B. Policies for combating all forms of discrimination

8 – State measures to strengthen the fight against discrimination. In particular, specific laws and programs intended particularly to eradicate discrimination against vulnerable populations.

82. With reference to the recommendation to adopt state measures to strengthen the fight against discrimination and, in particular, specific laws and programs intended particularly to eradicate discrimination against vulnerable populations, particularly as regards Afro-descendants and actions against racial discrimination, the Dominican State reported that its education system has adopted plans to raise the

⁹⁹ OBMICA, 2019, *Estado de las Migraciones que atañen a la República Dominicana 2018*, Santo Domingo, Editora Búho, p. 16.

¹⁰⁰ OBMICA, 2019, *Estado de las Migraciones que atañen a la República Dominicana 2018*, Santo Domingo, Editora Búho, p. 15.

¹⁰¹ *Jubileo*, [Dom. Rep.: More than 23,000 forced repatriations to Haiti between January and March 2019 recorded by GARR](#), April 15, 2019.

¹⁰² IACHR, [Report on the Situation of Human Rights in the Dominican Republic](#), OEA/Ser.L/V/II. Doc.45/15, December 31, 2015, para. 602.

population's awareness about the promotion of equality, nondiscrimination, and multiculturalism. Those plans can be broken down into two complementary categories: the first, targeting institutional awareness among teachers; and the second, aimed at raising the population's awareness, intended for students.¹⁰³

83. In mid-2018 the country launched the National Strategy for a Culture of Peace, which entails a series of public policies to address the topic of discrimination within the education system. This program has been designed by the Ministry of Education in conjunction with UNESCO, with the aim of bolstering the capacities of the education community on the basis of children's best interests, dignity, a culture of peace, nondiscrimination, an approach based on human rights, and the gender perspective.¹⁰⁴

84. The Commission applauds this multicultural education proposal focused on preventing discrimination in the education system; and, in line with it, it invites the State to guarantee the right to public education to all the country's children and adolescents—nationals and migrants alike—by implementing measures that remove barriers to education access and the reasonable adjustments necessary for the permanent assistance of students who do not speak Spanish and persons with disabilities. It recommends focusing on vulnerable groups, primarily Afro-descendent children and adolescents, in consideration of their socioeconomic and migratory status. The Commission also invites the Dominican Republic to adopt targeted social programs and affirmative actions in the areas of employment, health, and social protection, bearing in mind the ethnic and racial perspective of Afro-descendent people.

85. The State also told the IACHR that the office of the Attorney General of the Republic had adopted a number of administrative resolutions regarding discrimination-free access to public spaces.¹⁰⁵ The IACHR applauds this initiative to combat racism in different walks of life and, accordingly, it urges the State to investigate with due diligence possible cases of denied access to public spaces on account of ethnic and racial, gender, or nationality discrimination and to guarantee the rights of access to justice and due process to all persons filing such reports.

86. The Dominican State also reported that 45 officers of the National Police concluded a diploma course on Constitutional Law and Procedures, intended to raise their awareness of best practices and the effective protection of people's rights.¹⁰⁶ It also reported that the DGM has provided human rights training for all its immigration personnel, primarily those officers deployed along the border. The DGM has created a Commission on Human Rights as a starting point for the establishment of a Human Rights Unit to be tasked with, *inter alia*, the creation of an internal protocol for classifying actions by officials that could constitute discrimination offenses by reason of race, religion, gender, sexual orientation, and gender identity.¹⁰⁷ The State reported that as of the date of the report's presentation, the office of the Attorney General of the Republic had received no complaints against public officials alleging discriminatory actions on ethnic or racial grounds. In

¹⁰³ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 20, para. 8.d, confidential document submitted to the IACHR by the Dominican State.

¹⁰⁴ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 22, para. 8.f, confidential document submitted to the IACHR by the Dominican State.

¹⁰⁵ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 21, para. 8.d, confidential document submitted to the IACHR by the Dominican State.

¹⁰⁶ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 21, para. 8.e, confidential document submitted to the IACHR by the Dominican State.

¹⁰⁷ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 22, para. 8.e, confidential document submitted to the IACHR by the Dominican State.

contrast, the Human Rights Unit has received complaints against private citizens for cases involving that kind of discrimination; however, those disputes have been resolved through conciliation.¹⁰⁸

87. The Commission also notes that various organizations have protested against alleged acts of xenophobia and racism in the Dominican Republic, hate campaigns against migrants of Haitian origin, and the excessive use of force against and arbitrary expulsion of the victims of illegal deportation processes. They also maintain that institutional racism is still present with the adoption of policies over the past six years that have made more than hundred thousand Dominicans of Haitian descent stateless.^{109, 110}

88. The IACHR acknowledges the Dominican State's efforts to carry out the human rights training for public officials described above; in that connection, it again draws attention to the inter-American standards on the prevention of racial profiling, and the universal system's protocols for preventing the excessive use of force in accordance with the principles of legality, necessity, and proportion. However, it notes with concern the reports from civil society alleging the violation of migrants' rights and that the situation has worsened in recent years.¹¹¹ The Commission suggests that the Dominican Republic establish proactive communications channels with organizations of migrants of Haitian origin and involve them in policy-building and in all stages of the design, implementation, and monitoring of those policies.

89. The Commission similarly reminds the Dominican State of the importance of participation and representation quotas for Afro-descendent people in its different government agencies as affirmative action measures.

90. The IACHR noted, through publicly available information on the occasion of the protests in that country, the alleged deployment of 10,000 troops along the border with Haiti—specifically, at four points in the borderlands—in order to control the increased flows of Haitian nationals attempting to flee the crisis.¹¹² The Commission is closely watching this situation and it invites the Dominican State to prevent the militarization of its territory and the potential for restrictions on freedom of movement and to guarantee the physical integrity and protection of both nationals and migrants.

91. Finally, the Commission notes with concern the situation of transsexual women in the Dominican Republic. From publicly available information, the Commission notes with concern that since 2016 there have been 48 reports of killings of transsexual women in the Dominican Republic, most of them Afro-descendants and sex workers.¹¹³ The IACHR expresses its concern at the numerous forms of violence faced by transsexual women in the Dominican Republic, a vulnerability that is exacerbated by such factors as socioeconomic status and ethnic and racial origin. The Commission calls on the Dominican State to take urgent steps to mitigate violence against Afro-descendent transsexual women and to ensure them proper access to justice and the right of redress.

92. Thus, the Commission notes that the State has made efforts to comply with the recommendation regarding **state measures to strengthen the fight against discrimination and, in particular, specific laws and programs intended particularly to eradicate discrimination against vulnerable populations**. Nevertheless, there are still obstacles in guaranteeing the rights of Afro-descendent

¹⁰⁸ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 24, para. 8.i, confidential document submitted to the IACHR by the Dominican State.

¹⁰⁹ *Acento*, [Organizations and personalities lend their signatures against xenophobic and racist lynchings in DR](#), August 22, 2019.

¹¹⁰ *Acento*, [Socialist Movement of the Workers accuses political leaders of racism and xenophobia](#), August 10, 2019.

¹¹¹ Information provided in a confidential document given to the IACHR by civil society.

¹¹² CNN, [Dominican Republic deploys almost 10,000 troops on its border with Haiti following protests in that country](#), October 31, 2019.

¹¹³ *Super Noticias*, [48 transsexual women killed in DR since 2016](#), November 20, 2019.

people and in special measures for combating racial discrimination; the IACHR therefore believes that this recommendation has been partially met.

C. Women's rights and gender equality

9 – The measures necessary to adapt its regulatory framework in order to ensure all women the discrimination-free effective enjoyment of their sexual and reproductive rights.

10 – Specific actions to guarantee access, in conditions of equality, to sexual and reproductive health services, in particular for disabled women and girls and for those vulnerable because of their socioeconomic status, race or ethnicity, sexual orientation, gender identity, migratory status, and/or geographical location.

11 – Programs to achieve universal coverage, in conditions of equality, of the health system for pregnant women and women of reproductive age (15 to 49 years).

12 – Measures to strengthen the gender perspective in the country's criminal justice system, including training for judges and justice operators, on an interinstitutional basis with the relevant agencies of the State, in order to contribute to the fight against impunity surrounding violence against women.

93. Regarding the **adoption of the measures necessary to adapt its regulatory framework in order to ensure all women the discrimination-free effective enjoyment of their sexual and reproductive rights**, the IACHR has been informed of initiatives taken by the Dominican State to ensure women's sexual and reproductive rights, such as the efforts of the Ministry of Public Health and Social Assistance (MISPAS) to implement eight quality standards and effective comprehensive health service coverage for adolescents and the resulting production of the "Guide to Comprehensive Health Care for Adolescents"¹¹⁴ and promotion of the Law on Sexual and Reproductive Health.¹¹⁵ In addition, the Commission has been monitoring the efforts made by the executive branch to decriminalize abortion in three circumstances (when the life or health of the mother is in danger, when the pregnancy is not viable, and when the pregnancy is the result of rape or incest) by means of comments on the draft Criminal Code made on November 29, 2014, and December 19, 2016.¹¹⁶

94. However, in connection with the foregoing, the Commission notes with concern the figures presented by the Dominican State indicating that between January and August 2019, nine women were prosecuted under Article 317 of the Dominican Criminal Code for the crime of abortion. The IACHR reiterates the negative impact of laws that completely criminalize abortion on the rights to life, to humane treatment, and to health, and on the rights of women to a life free of violence and discrimination in cases where there is a risk to health, the fetus is not viable, or the pregnancy is the result of sexual violence or incest, on account of the fact that such provisions impose a disproportionate burden on the exercise of women's and girls' rights and create a context that encourages unsafe abortions. The Commission points out that the criminalization of all forms of abortion, by imposing a disproportionate burden on the exercise of women's rights, is contrary to the State's international obligations of respecting, protecting, and ensuring women's rights to life, health, and integrity.¹¹⁷ In consideration whereof, compliance with this recommendation remains pending.

¹¹⁴ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 25, para. 9.a, confidential document submitted to the IACHR by the Dominican State.

¹¹⁵ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 25, para. 9.b, confidential document submitted to the IACHR by the Dominican State.

¹¹⁶ IACHR, [Annual Report 2018. Dominican Republic](#), para. 93. Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 25, para. 9.a, confidential document submitted to the IACHR by the Dominican State.

¹¹⁷ IACHR, [Annual Report 2018. Nicaragua](#), Chapter IV.B, para. 219.

95. In connection with the recommendation to take **specific actions to guarantee access, in conditions of equality, to sexual and reproductive health services, in particular for disabled women and girls and for those vulnerable because of their socioeconomic status, race or ethnicity, sexual orientation, gender identity, migratory status, and/or geographical location**, the State reported that to ensure legal access to contraception and comprehensive sexual education, the Ministry of Public Health and Social Assistance (MISPAS) has adopted a series of measures: (i) an increase in the annual budget for purchases of contraceptives from 70 million to 90 million Dominican pesos, (ii) the availability of five forms of contraception at the three levels of attention at the public hospitals of the National Health System (SNS), (iii) the inclusion of contraceptives on the basic list of essential drugs, (iv) strengthening the Committee to Ensure the Availability of Contraceptives, (v) the implementation of the Contraception Protocol and the Counseling Guide on Sexual and Reproductive Health, (vi) the implementation in schools of the Comprehensive Sexual Education Program, and (vii) studies and research into access, availability, perceptions, and satisfaction with contraceptive methods and the services they offer.¹¹⁸

96. In addition, the Dominican State reported that consultations were underway toward a possible amendment of Law No. 66-97, the General Education Law, in order to guarantee comprehensive education, potentially including provisions on sexual and reproductive education in line with the National Education Reform Compact (2014-2030), which addresses, *inter alia*, awareness and prevention of sexually transmitted diseases (STDs).¹¹⁹

97. The IACHR received information about cases of sexual torture, discrimination, and impunity faced by women sex-workers in the Dominican Republic. According to those reports, the country has between 87,000 and 97,000 cisgender women who provide sex work (equal to 3.4% of the country's total adult women), who—like transgender women—suffer different forms of violence, including torture, and gender-based mistreatment at the hands of agents of the State. Sex workers constantly face multiple forms of discrimination according to those reports, which increases their risk of suffering violence and increases the obstacles to their access to health services and justice.¹²⁰ The Commission notes this situation with concern and urges the State to take specific actions to prevent all forms of violence and discrimination against sex workers and, in accordance with its duty of due diligence, to investigate, punish, and provide redress for all acts of violence committed against them.

98. The Commission applauds the actions taken by the State to guarantee women's and girls' effective access to sexual and reproductive health services; however, it reiterates its recommendation to the State to continue its efforts in that regard, including the participation of civil society organizations and the adoption of an intersectional approach (disabilities, ethnic and racial origin, LGBTI, migration, and socioeconomic status) at all stages in the design, implementation, monitoring, and evaluation of the programs underway. In consideration whereof, this recommendation has been partially met.

99. As regards **programs to achieve universal coverage, in conditions of equality, of the health system for pregnant women and women of reproductive age (15 to 49 years)**, the MISPAS is currently planning care protocols to guarantee access to maternal health services under conditions of equality

¹¹⁸ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 26, para. 10.a, confidential document submitted to the IACHR by the Dominican State.

¹¹⁹ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 27, para. 10.b, confidential document submitted to the IACHR by the Dominican State.

¹²⁰ Confidential document submitted to the IACHR by civil society organizations.

for especially vulnerable women, girls, and adolescents. In addition, it has ordered the creation and remodeling of health centers, purchases of equipment and supplies, and specialization courses for staff.¹²¹

100. In addition, the Commission has been informed about progress made with the systematization of certain documents, such as the Guide for the Comprehensive Health Care of Adolescents, the Guide on Sexual and Reproductive Health, the Contraception Protocol, the Guide and Protocols for the Attention of Child and Adolescent Victims of Violence, National Standards for Comprehensive Health Care in Cases of Domestic Violence and Violence against Women, Standards for the Prevention and Control of Infections at Health Facilities, Guide for Sexual and Reproductive Health Care Services in Emergency Situations, Contingencies, and Disasters, and technical regulations, provisions, and attention protocols for informed decision-making, including quality standards for sexual and reproductive health care, and strategies for health promotion and disease prevention among mothers, children, and adolescents, with approaches centered on gender, transculturality, protection, and the life cycle.¹²²

101. In addition, in order to accelerate the reduction of maternal and child mortality, the Ministry of Health made an alliance with other institutions of the State, nonprofit organizations, universities, and international agencies to conduct interventions, oversight, and intersectoral actions, together with a community assistance program for pregnant women, new mothers, and their newborn children.¹²³

102. The Commission received information on the difficulties faced by migrant domestic workers in applying to the National Plan for the Regularization of Foreigners (PNRE), which is a prerequisite for access to social security.¹²⁴ The IACHR notes with concern this situation that hinders women's access to the health general system and calls on the Dominican State to take the steps necessary to ensure this right to the entire population, regardless of their migratory status.

103. The IACHR takes note of the First Municipal Panel for the Prevention of Teenage Pregnancy in Azua (the province with the highest rate of pregnant adolescents), which was organized by the Ministry of Women's Affairs in conjunction with National Response Plan for Reducing Teenage Pregnancies in the Dominican Republic (PREA-RD).¹²⁵

104. The Commission acknowledges the progress made with universal coverage, with a focus on vulnerable communities, as well as with the refurbishment of health centers and the issuing of guides on sexual and reproductive health; nevertheless, the IACHR urges the Dominican State to pursue comprehensive and intersectional programs in line with the inter-American standards for economic, social, cultural, and environmental rights (ESCER), particularly as regards sexual and reproductive health. In consideration whereof, this recommendation has been partially met.

105. Regarding **measures to strengthen the gender perspective in the country's criminal justice system, including training for judges and justice operators, on an interinstitutional basis with the relevant agencies of the State, in order to contribute to the fight against impunity surrounding violence against women**, the State reported that the judicial branch's National School of the Judicature (ENJ) has a permanent program and a masters' degree that includes the gender perspective as a crosscutting axis. In addition, the School of the Public Prosecution Service, in conjunction with the Gender School of the Ministry of Women's Affairs, teaches a gender perspective module for justice administration procedures within the

¹²¹ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 27, para. 11.a, confidential document submitted to the IACHR by the Dominican State.

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ Confidential document submitted to the IACHR by civil society organizations.

¹²⁵ Ministry of Women's Affairs, [Women's Ministry organizes first municipal panel to prevent teenage pregnancy in Azua](#), 2019.

judiciary.¹²⁶ It also referred to the bill creating the Comprehensive System for the Prevention, Attention, Punishment, and Eradication of Violence against Women, which was placed before the National Congress in 2017 but has not yet been adopted.¹²⁷ Similarly, the Ministry of Women's Affairs is working with civil society organizations on the National Plan for Gender Equality and Equity (PLANEG), which is aligned with the UN's fifth sustainable development goal (SDG 5).¹²⁸

106. The State also reports that most of the provincial prosecution services have a Gender Violence Prosecution and Prevention Unit: 25 prosecution services are equipped with those specialized attention units charged with preventing and investigating cases of violence against women and with implementing appropriate protective measures. It added that the office of the Attorney General of the Republic also has a Gender Violence Directorate responsible for implementing crosscutting actions against gender violence, such as training on the prosecution and litigation of related offenses.¹²⁹

107. The State also reported that with support from the United Nations Development Programme (UNDP), the Ministry of Women's Affairs launched the Gender Equality Seal program, the goal of which is to eliminate employment disparities and all forms of workplace discrimination in both the public and private sectors.¹³⁰ As regards political participation, it indicated that the Law on Political Parties, Groups, and Movements, enacted in 2018, establishes gender parity and the political participation of women.¹³¹ The State also confirmed that in the elections for the National Council of the Magistrature, a woman was elected to serve as a judge on the Superior Electoral Court among the five judges elected; at the Constitutional Court, of the four judges elected, one is a woman; and at the Supreme Court of Justice, of the 12 judges elected, four were women.¹³²

108. In addition, the IACHR takes note of the statement issued by the Committee of Experts of the Follow-up Mechanism to the Convention of Belém do Pará (MESECVI), in which it expressed its concern at the judgment of the Dominican Republic's Superior Electoral Court (TSE) that invalidated gender quotas for candidacies with fewer than 40% and more than 60% of men and women.¹³³ In this regard, in its observations on the draft of this report, the State clarified that the aforementioned judgment simply rejected the case in question when interpreting that article 53 of Law No. 33-18 of Political Parties is not applicable to pre-candidacy lists, but making it clear that when said candidates are formally submitted to the electoral administration body, said lists must satisfy the 40-60% relationship between women and men, such and as ordered by the cited article. In this regard, the Commission reminds the Dominican State that Articles 4 and 5

¹²⁶ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 29, para. 12.a, confidential document submitted to the IACHR by the Dominican State.

¹²⁷ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 29, para. 12.b, confidential document submitted to the IACHR by the Dominican State.

¹²⁸ *Ibid.*

¹²⁹ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 29, para. 12.c, confidential document submitted to the IACHR by the Dominican State.

¹³⁰ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 29, para. 12.d, confidential document submitted to the IACHR by the Dominican State.

¹³¹ Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 30, para. 12.e, confidential document submitted to the IACHR by the Dominican State.

¹³² Ministry of Foreign Affairs of the Dominican Republic, [Response of the Dominican State to the IACHR's Questionnaire. Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic with the IACHR](#), November 6, 2019, p. 31, para. 12.f, confidential document submitted to the IACHR by the Dominican State.

¹³³ Ministry of Women's Affairs, [MESECVI Committee of Experts expresses concern at judgment on gender quotas in the Dominican Republic](#), 2019.

of the Convention of Belém do Pará provide that all women have the right of equal access to the public service of their countries and to take part in the conduct of public affairs, including decision-making, and the right of free and full exercise of their civil, political, economic, social, and cultural rights.

109. In this regard, the Dominican State compiled a set of measures developed to promote and address women's access asymmetries, expanding their participation in different areas, such as the institution of gender equality units in public administration, a seal to make gender equality actions visible in this area, as well as the implementation of an agenda with the objective of gender equality in the private sector. In electoral terms, the State reported on the application of Law no. 33-18, reinforced by the Organic Law of the Electoral Regime regarding gender and age quotas, as well as training actions on participation and political leadership aimed at the political participation of women¹³⁴.

110. In addition, the Commission has recommended that those states that have not yet done so implement special temporary measures to increase the representation of women, such as gender quotas, on the grounds that gender quota laws have played an essential role in increasing the political representation of women in the region. These measures intended to increase the numerical representation of women must be accompanied by others that bolster women's substantive political participation, promote their inclusion in party power structures in legislatures, and work for the representation of their interests.¹³⁵ In consideration whereof, compliance with this recommendation remains pending.

¹³⁴ Dominican Republic, Response to the questionnaire of the Second Working Group on the Implementation of Human Rights Policies in the Dominican Republic, November 6, 2019.

¹³⁵ IACHR, [The Road to Substantive Democracy: Women's Political Participation in the Americas](#), 2011, OEA/Ser.L/V/II. Doc.79, paras. 61 and 62.