

**UNEDITED VERSION**  
**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty seventh session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: DOMINICAN REPUBLIC**

1. The Committee considered the second periodic report of the **Dominican Republic** (CRC/C/DOM/2) at its 1295th and 1296th meetings (see CRC/C/SR.1295 and CRC/C/SR.1296), held on 21 January 2008, and adopted at the 1313th meeting, held on 1 February 2008, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's second periodic report, the detailed written replies (CRC/C/DOM/Q/2/Add.1) to its list of issues and the frank and open dialogue with a multisectoral delegation which enabled the Committee to have a clearer understanding of the situation of children in the State party. The Committee notes however that information on practical aspects of implementation was not sufficient.

3. The Committee appreciates the efforts made by the State party to submit its replies to the Committee's list of issues in light of the significant recent natural disasters that have affected the country, including the tropical storms in the recent hurricane season.

**B. Follow-up measures undertaken and progress achieved by the State Party**

4. The Committee notes with appreciation the adoption of legislative and other measures taken with a view to implementing the Convention, including:

- (a) Law No.136-03 on the System for the Promotion and Rights of Children and Adolescents; and
- (b) The establishment of a National Council on Children and Adolescents.

5. The Committee also wishes to welcome the ratification of or accession to the:

- (a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 6 December 2006;

- (b) Rome Statute of the International Criminal Court on 12 May 2005;
- (c) Hague Convention No. 28 on the Civil Aspects of International Child Abduction on 11 August 2004; and
- (d) Hague Convention No. 33 on Protection of Children and Co-operation in Respect of Intercountry Adoption on 22 November 2006.

### **C. Main subjects of concern and recommendations**

#### **1. General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

##### Committee's previous recommendations

6. The Committee notes that several concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/8/Add.48) have been taken up. However, it regrets that some of its concerns and recommendations have been insufficiently or only partly addressed, including those related to data collection, strengthening institutional coordination, resource allocations, non-discrimination, birth registration, ill-treatment and violence against children, protection from abuse and neglect and children in street situations.

**7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented or sufficiently implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

##### Legislation and implementation

8. The Committee welcomes the adoption of Law 136-03 on the System for the Promotion and Rights of Children and Adolescents which came into effect in 2005 establishing the Code on the System of Protection of the Fundamental Rights of Children and Adolescents. The Committee is concerned, however, at the slow establishment of the administrative structures created by Law 136-03 at all levels, particularly on the municipal and local level.

**9. The Committee recommends that the State party fully implement Law No. 136-03 and take steps to restructure the judicial and administrative systems as required at all levels, including the provincial, municipal and local levels. The State party is urged to continue taking steps to implement a comprehensive policy on children's rights, including by providing the necessary financial and human resources. The Committee also recommends that the State party ensure that other legislative reforms do not diminish the protection for children achieved in Law No. 136-03 and that the principles established therein are fully taken into consideration by all other legislation affecting children and adolescents. The self-assessment of implementation of Law No. 136-06 carried out in February 2007 and the Committee's general comment no. 5 entitled General measures of**

**implementation for the Convention on the Rights of the Child (2003) should be taken into consideration.**

10. **The Committee recommends that the State party ensures, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

#### National Plan of Action

11. The Committee notes that there are various action plans for the promotion of the rights of children, including the National Plan for Guaranteeing the Rights of Children and Adolescents 2003-2013, the National Plan against Worst Forms of Child Labour and the Action Plan against Sexual Exploitation against Children and Adolescents. The Committee regrets, however, the lack of information about their related measures and activities initiated by these plans, and the insufficient coordination in the design and implementation of the various plans. The Committee is concerned that there is not one consolidated Plan of Action which ensures a coordinated approach to the implementation of children's rights.

12. **The Committee recommends the State party implement one consolidated National Plan of Action for children which integrate all the sectoral plans in consultation with civil society and all sectors involved in the promotion and protection of children's rights including children's organizations. The Committee also recommends that the State party define concrete goals, and a time frame, set up a monitoring mechanism and make adequate resources available. The principles and provisions of the Convention, its Optional Protocol on the Sale of Children, child prostitution and child pornography and the Plan of Action "A World Fit for Children" (WFFC) adopted by the General Assembly special session in May 2002, as well as the WFFC +5 Review declaration should be taken into account.**

#### Coordination

13. Committee notes that the National Council on Children and Adolescents (CONANI) is responsible for the implementation of policies, programmes, projects and initiatives for children's and adolescents' rights by liaising between and coordinating governmental and non-governmental efforts at the local and national level. The Committee also notes that its function includes the coordination with the National Department of Comprehensive Care for Adolescents in Conflict with the Criminal Law, and that several inter-agency commissions exist, *inter alia*, on name and nationality, juvenile justice, commercial sexual exploitation, child labour, trade and trafficking. The Committee is concerned, however, that the coordination of the functions and activities of these commissions are not effective.

14. **The Committee recommends that the State party take measures to strengthen the coordination of the *Sistema de Protección de los derechos fundamentales de Niños, Niñas y Adolescentes* both in the judicial and administrative sectors at all levels.**

#### Independent Monitoring

15. The Committee notes that an Ombudsperson (*Defensor/a del Pueblo*) and an Assistant Ombudsperson for Children and Youth (*Defensor/a Adjunto para la Niñez y la Juventud*) were established by law in 2001 but is concerned that both positions remain unfilled ever since.

16. **The Committee recommends the State party make appointments for both Ombudspersons at the earliest and take the necessary measures to ensure these institutions comply with the Paris Principles, taking note of the Committee's General Comment No. 2 on the role of independent human rights institutions.**

#### Helplines

17. The Committee welcomes the efforts made by the State party in the establishment of *Línea de apoyo niños/as y adolescentes de Indesui* in 1996 and *Línea 700* in 2007 and notes that there are plans to expand the former to a 24 hour toll free helpline. However, the Committee is concerned that funding remains a problem for the implementation of these plans. The Committee is also concerned at the limited awareness and the lack of coordination of these helplines.

18. **The Committee recommends that the State party provide core funding to maintain and expand these services, including by establishing a toll free three digit 24-hour helpline, and make possible that these services reach children in marginalised and rural communities as well. The Committee also recommends that the State party, in coordination with relevant non-governmental organizations, examines the possibility of integrating these two helplines.**

#### Allocation of resources

19. The *Committee* notes that resource allocation has increased in both the health and education sector and that some programmes in these budget sector (*'Programas Protegidos'*) are protected against reductions of resource allocations. The Committee is concerned that budget for the implementation of child rights including the provisions of the Law No. 136-03 and the corresponding administrative and judicial structures do not take account of the requirement to allocate resources to "the maximum extent of available resources" (Art. 4). The Committee is also concerned that public information about the budget is limited and that there is no effective mechanism for tracking and monitoring allocation of resources from national and international resources from a child's rights perspective.

20. **The Committee strongly recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children's rights, in particular in the key social sectors of health, social welfare and education and for the full establishment of the protection system based on Law No. 136-03. The Committee urges the**

**State party to make the budget known to those concerned and to the public at large and that effective mechanism for tracking and monitoring allocation of resources from national and international resources from a child's rights perspective be established.**

Data collection

21. The Committee notes the significant progress made by the National Statistics Office (ONE) to set up an improved system of data collection on children and also notes that CONANI has begun to set up a system for gathering data related to its areas of expertise and service delivery. However, the Committee is concerned that there is no base line due to the many unregistered children living in the country, the unsatisfactory disaggregation of data according to criteria beyond age, sex, socio-economic status and region, the lack of data about the extent and conditions of different forms of abuse and violence against children as well as about commercial sexual exploitation and children in conflict with the law.

22. **The Committee recommends that the State party**

**(a) strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex, age, region, socio-economic status and other criteria needed to analyse rights implementation in a differentiating way;**

**(b) systematically gather data on children affected by violence and different forms of abuse, commercial and sexual exploitation and children in conflict with the law and make possible the disaggregation according to relevant criteria;**

**(c) set up a Child Rights Monitoring Observatory and Social Sector Expenditure Analysis; and**

**(d) continue and strengthen its cooperation with UNICEF in this regard.**

Dissemination and training

23. The Committee notes that the rights of the child and the Convention are still widely unknown by civil servants, professionals and in the society at large. The Committee welcomes that the training of judges was increased after the promulgation of Law No. 136-03 but is concerned that many groups of persons working for and with children as well as parents and children themselves are not systematically educated and trained with regard to child rights.

24. **The Committee recommends that the State party**

**(a) disseminate the Convention throughout the country and to raise public awareness about the principles and provisions of the Convention in all relevant sectors and in particular among children themselves and parents;**

**(b) provide adequate and systematic training and sensitisation on children's rights for all professional groups working with and for children at all levels;**

- (c) **cooperate with civil society and children's organisations, academic centres, media and NGOs in this regard and seek technical assistance from UNICEF and the Inter-American Institute for the Child.**

Cooperation with civil society

25. The Committee notes that the State party's cooperation with civil society is well developed, nevertheless this relationship could be further strengthened.

26. **The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and children's organizations in the promotion and implementation of children's rights, including, inter alia, their participation in the follow-up to the concluding observations of the Committee. The Committee encourages broad consultation of the national NGOs in the process of drafting its next report and in the implementation of Law No. 136-03.**

**III. General Principles  
(arts. 2, 3, 6 and 12 of the Convention)**

Non-discrimination

27. The Committee welcomes that Law No. 136-03 provides an unquestionable legal basis to combat all forms of discrimination against children. However, the Committee is seriously concerned that children of Haitian immigrants and Haitian descendents have restricted access to education, health and social services to which all children on the territory of the Dominican Republic are equally entitled according to the Convention. Measures adopted to legalize the status of illegal immigrants were only partially successful or even counterproductive, also because of widely shared discriminatory practices in the population and in administrative bodies against children of migrants and other origin. The Committee also notes that girls are not given the same status of boys in legal regulations, family and society as e.g. evident in the different regulation for the marriage age of boys and girls. Also poor children, children from remote rural areas and children living and working in the streets are excluded from the full implementation of child rights.

28. **The Committee urges the State party to review all laws and regulations in order to examine, whether they clearly prohibit any differential treatment of children with regard to race, colour, sex, national, ethnic or social origin, disability, birth or other status and to ensure the full implementation of these laws, which guarantee the right to equal treatment and non-discrimination. The Committee also recommends that the State party launches massive public campaigns which combat discriminatory attitudes and behaviours and that the State party trains the staff of all governmental and public institutions with respect to the equal rights of all children on the territory of the Dominican Republic.**

29. **The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to provide special protection to vulnerable groups and to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism,**

**Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 (2001) on the aims of education and general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.**

Best interests of the child

30. The Committee notes that the Law No. 136-03 emphasises the principle of the best interest of the child but the Committee regrets that limited information is available about the extent to which this principle has been integrated in all laws, programmes and measures, which affect children.

**31. The Committee recommends that the State party continue its efforts in incorporating the principle of the best interests of the child in all laws, policies and programmes, judicial and administrative procedures and makes sure that procedures by which the child's best interest are determined are specified, carefully observed and well documented.**

Respect for the views of the child

32. The Committee notes that Law No. 136-03 incorporates children's rights to express their views and to participate in decision making but regrets that there was not sufficient information about the implementation of article 12 in all institutions attended by children, in the administrative and judicial system and in family and community.

**33. The Committee urges the State party to assure that children are heard in all administrative and judicial proceedings which affect them and to make aware and train adults in family, school and community as well as in all institutions for children to respect the views of children and their participation in all matters affecting them, taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006.**

**34. The Committee recommends that the State party continue to assist children when they want to establish organisations with the goal to promote and protect their rights.**

**IV. Civil Rights and Freedoms  
(arts. 7, 8, 13-17 and 37(a) of the Convention)**

Birth registration

35. The Committee welcomes the efforts and achievements made by the State party with respect to registering children born in its territory. The Committee also notes that an additional registration system was established in order to issue an attestation called "pink certificate" to mothers, who are not documented residents of the Dominican Republic. However, the Committee is seriously concerned that a large number of children still remains unregistered and that the 'pink certificate' can be used as a base of discrimination of these children and exclusion from the right to a nationality. The Committee appreciates that the government has ordered schools to also enrol children without a birth certificate, regrettably up to the sixth grade only, but is still concerned

that unregistered children may encounter problems when they want to use services and provisions which should be accessible to all children.

36. **The Committee recommends that the State party:**

- (a) **ensure the right of each and every child to be registered;**
- (b) **revise all procedures to make sure that newborn children receive a birth certificate and that in particular children from marginalized and vulnerable groups have easy access to the registration procedures;**
- (c) **ensure that birth attestations are not used as the basis for discrimination of children due to the differences in the type of issuance of the so-called ‘pink certificates’;**
- (d) **establish an effective and cost-free procedure, which provides a birth certificate for all children up to age 18, who have not yet a birth certificate.**

37. The Committee notes that Law No. 659-44 of *Actos del Estado Civil* is being revised in close consultation with relevant civil society actors in order to establish an efficient birth registration system. The Committee also notes the adoption of Law No. 218-07 of *Amnistía de Declaración Tardía de Nacimiento* as a temporary measure, which enables unregistered children up to the age of 16 to obtain a birth certificate but is concerned that this falls short of the Convention, which sets the age for children up to the age of 18.

38. **The Committee recommends that the State party expeditiously complete the revision of Law No. 659-44 taking into account its national legislation as well as the relevant provisions of the Convention on the Rights of the Child.**

Name and nationality

39. The Committee notes that the constitutional right of acquiring nationality by *ius solis* is frequently denied to children who do not have the regular birth certificates or are born to parents who have no legal residence in the country. The Committee is concerned that the established procedure of ‘pink certificates’ based on the assumption that mother is “in transit” often disregards the long ranging residence of in the Dominican Republic and prevents the acquisition of any nationality by the child. The Committee is seriously concerned at the large numbers of stateless children, which are generated by this policy.

40. **The Committee encourages the State party to adopt a procedure to acquire nationality which is applied to all children born in the Dominican Republic in a non-discriminatory manner and make sure that no child becomes stateless.**

41. **The Committee encourages the State party to ratify the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, signed on 5 December 1961.**

Torture and Degrading Treatment

42. The Committee is concerned at allegations regarding the ill-treatment and degrading treatment of children and also notes that the State party has not ratified the Convention against Torture.

43. **The Committee recommends that the State party ensure that treatment of all children is carried out in accordance with international standards and that no one be subjected to ill-treatment or degrading treatment of any kind. Any case of torture or degrading treatment should be thoroughly investigated by an independent body and those found responsible should be brought to justice.**

44. **The Committee recommends that the State party expedite the ratification of the Convention against Torture, which it signed 4 February 1985.**

Corporal punishment

45. The Committee notes the clear definition of physical abuse established in Law No. 136-03 and welcomes that corporal punishment has been made unlawful in schools and abolished as a sentence in the justice system. The Committee is **concerned** that no explicit prohibition for corporal punishment exists for all other settings, including in the educational setting, in institutions of alternative care and in the family environment.

46. **The Committee recommends that the State party explicitly prohibit corporal punishment in all settings by law as a matter of priority and provide training for parents and all professionals involved with children on alternative forms of discipline, in line with the Committee's General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8).**

Follow-up to the UN Study on Violence against Children

47. **With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends that the State party:**

- (a) **Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert of the United Nations study on violence against children;**
- (b) **Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**
- (c) **Seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the**

**World Health Organization (WHO) for the above mentioned purposes.**

**V. Family Environment and Alternative Care  
(arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)**

Family Support

48. The Committee notes the existence of several programs directed to support families in the form of conditional cash transfer (“*transferencias condicionadas*”) which make the financial transfer dependent on parental compliance with health protection measures for the child. The Committee also notes the limited information about the implementation of Law No. 136-03 with respect to family support measures and is concerned that the structures and procedures foreseen under the law have not been fully established, especially the *Juntas Electorales de Protección y Restitución de Derechos*.

49. **The Committee recommends that the State party extends its support to families by fully establishing the structures and procedures provided for by Law No. 136-03.**

50. The Committee notes the impact reported of parental, in particular mothers’ migration on children’s well being and development and is concerned about the problems faced by female headed households, especially those headed by adolescent girls and in particular in rural areas.

51. **The Committee recommends that the State party:**

(a) **take measures to ensure that parents, mothers and fathers, who left the country for working abroad, are able to meet their parental responsibilities, including through the provision of family counseling;**

(b) **establish bilateral agreements with the countries of destination in order to facilitate the maintenance of communication and relationships as well as family reunification and involve civil society organizations in this regard; and**

(c) **undertake effective measures to support single headed households, particularly those headed by adolescent girl, and make sure that these households benefit from all family support programmes and have access to early childhood care and education programmes.**

Alternative care

52. The Committee is concerned at the high number of children living in residential homes, often for many years, and of cases of abuse which have led to increased supervision of such centres. The Committee also notes the existence of the temporary homes (“*hogares de paso*”) but regrets the lack of information about its functioning.

53. **The Committee recommends the State party to:**

- (a) **Adopt guidelines for children without parental care taking into consideration the outcome of the Day of Discussion in 2005;**
- (b) **Make sure that living in homes is a temporary measure only and that homes are periodically reviewed;**
- (c) **Provide training to personnel of residential care institutions;**
- (d) **Expand care of children separated from their parents by foster families, systematically educate foster parents and regularly supervise the care provided; and**
- (e) **Ensure that children living under alternative care can continue to be in a relationship with family members except in the case that it is not in their best interest;**

#### Adoption

54. The Committee notes that the State party has acceded to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Inter-country Adoption and notes significant progress in this area in general. The Committee is concerned however that the institution charged with the responsibility of overseeing adoption process is not adequately resourced, that domestic adoptions are not prioritized and that many children remain in institutions..

55. **The Committee recommends that the State party provide adequate human and financial resources to the central adoption authority so that it can implement its programs adequately, including maintaining the oversight and control of all the different phases of the adoption proceedings and capacity building of civil servants involved in the process.**

#### Child abuse and neglect

56. While the Committee notes that measures are undertaken to prevent child abuse, it regrets the lack of disaggregated information provided in the State party report. The Committee is concerned that recovery and counselling services for victims of abuse do not meet the demand for such services. The Committee furthermore regrets that parents, teachers, law enforcement officials, social workers and prosecutors do not receive appropriate guidance or counselling to be aware of the harmful effects of abuse and the ways to prevent-child abuse and neglect.

57. **The Committee recommends that the State party:**

- (a) **strengthen public awareness campaigns and provide information, parental guidance and counselling with a view, inter alia, to prevent child abuse and neglect;**
- (b) **provide additional training to teachers, law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints about violence and neglect of children in a child-sensitive manner; and**
- (c) **expand services which provide victims of abuse with counselling, recovery and therapy.**

**VI. Basic Health and Welfare  
(arts. 6; 18, para.3; 23; 24; 26; 27, paras 1-3 of the Convention)**

Children with disabilities

58. The Committee notes that the programmes and initiatives for children with disabilities, including the funding of special education centres for children with disabilities which have led to relatively high attendance rates in some provinces, but is concerned that services in other provinces, inter alia San Juan de la Maguana and San Jose de Ocoa, are scarcely only available. Furthermore, the Committee is concerned that the capacities of many children with disabilities are not promoted in an appropriate way and that these children are not included in the regular educational system to the extent possible. The Committee is also concerned at the high number of children with disabilities living in institutions, which may result from insufficient support for parents, who would like to care for their child at home.

59. **The Committee recommends that the State party, take into account the General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9) and**

(a) **ensure the implementation of the Standard Rules for Equalizing the Possibilities for Persons with Disabilities, adopted by the United Nations General Assembly on 23 December 1993;**

(b) **strengthen efforts to ensure the right to education of children with disabilities to the maximum extent possible everywhere in the Dominican Republic;**

(c) **better support parents who wish to care for their child at home, and develop community based services for children with disabilities, including early intervention for infants with developmental disabilities in order to assist these parents; and**

(d) **carefully monitor the rights of the high number of children with disabilities living in institutions in order to better protect them against violations of their rights.**

60. **The Committee recommends that the State party ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, both signed on 30 March 2007.**

Health and health services

61. The Committee notes the steady improvements in the reduction of child mortality, neonatal mortality and improved immunisation as well as the increased investment in health aimed at primary care networks and the construction of hospitals, but that progress still is not yet strong enough to adequately serve the whole population. The Committee is also concerned that a dual system in the health sector is developing affecting those living in poverty and that the recently introduced national

security system could exacerbate disparities as people without formal jobs are not covered. The Committee is also concerned at the decline in exclusive breastfeeding during the first three months and the decline in the availability and consumption of iodized salt.

62. **The Committee recommends that the State party**
- (a) **expand budget allocations for the health system, in particular for primary child health care and public health programmes;**
  - (b) **increase efforts to reduce neo-natal and maternal mortality and expand the provision of integral care and development programmes in early childhood;**
  - (d) **resume efforts to recover past achievements in breastfeeding and micronutrient consumption, especially iodized salt; and**
  - (c) **combat preventable diseases which cause high rates of mortality and morbidity among children and adolescents.**

#### Adolescent health

63. The Committee notes the efforts made with respect to sexual and reproductive health education and is concerned at the high numbers of teenage pregnancies.

64. **The Committee recommends that the State party**
- (a) **Further promote reproductive health education in school and other institutions for children taking into account the Committee's General Comment No. 4 on Adolescent Health;**
  - (b) **Strengthen efforts to reduce the number of teenage pregnancies and develop programmes to assist teenage mothers and their children; and**
  - (c) **Expand measures to prevent the use of tobacco, alcohol and drugs by children and adolescents, paying particular attention to pregnant adolescents.**

#### HIV/AIDS

65. The Committee takes note of the significant improvements of the National Response to HIV-AIDS under the new leadership of COPRESIDA, including the series of target group-based policies including a policy on HIV/AIDS and Children launched in May 2007. The Committee also notes that important efforts have been made to prevent mother to child transmission and to provide treatment to infected children but is concerned at reports of discrimination against children and adolescents living with HIV/AIDS and that the prevention campaigns for adolescents and the general population have tended to be fragmented.

66. **The Committee recommends that the State party allocate more resources to combat HIV-AIDS and provide expanded anti retro-viral treatment for the prevention of vertical transmission from mother to child with reference to the Committee's General Comment No. 3 on HIV/AIDS and the rights of the child.**

67. **The Committee recommends that the State party continue its preventative policy in coordination with UNICEF. The Committee also recommends that education and prevention campaigns among children and adolescents are made**

**more effective, inter alia by integrating awareness-raising and information in the school curriculum.**

Standard of living

68. The Committee welcomes the establishment of a number of support programmes for families and children, initiation of a social security system that is due to be extended, and preparation of a national Poverty Reduction Plan is being prepared. The Committee is concerned, however, that rates of poverty and extreme poverty of children continues to be particularly high and notably among young children, children living with single or teenage mothers, children in rural areas and in the *bateyes* and outskirts and children with insecure residential status in the country. The Committee is concerned that favourable economic growth periods has not resulted in a pronounced decrease of poverty and social inequality remained significant as reflected in the rank of the country on the GINI index. The Committee is further concerned that the migration of parents, in particular mothers, in order to find employment negatively impacts on families and children.

69. **The Committee recommends that the State party**

(a) **strengthen efforts to ensure the right of the child to an adequate standard of living placing special emphasis on young children's rights which includes a comprehensive strategy to bring children out of poverty;**

(b) **expand the started programmes, which aim at a clear reduction of the poverty rates, and make sure that the most vulnerable children, which are affected disproportionately benefit from these programmes;**

(c) **include in any poverty reduction plan a specific chapter on children to address programmes which mitigate the severe negative effects of poverty on the development of children;**

(d) **develop plans to improve the infrastructure of deteriorated living areas (outskirts of towns and bateyes) in order to supply the local population with the basic supplies including housing, clean water, sewage system and electricity and children with play, sports and cultural facilities;**

(e) **take measures to prevent the breakup of families due to urban migration and emigration of parents by increased employment possibilities in the rural areas.**

**VII. Education, Leisure and Cultural Activities  
(arts. 28, 29 and 31 of the Convention)**

Education, vocational training and guidance

70. The Committee welcomes the clear improvements that have taken place in the area of education but is concerned that not all children are enrolled in primary school, in particular children of the migrant population and children living in remote areas, and that high repetition and dropout rates cause that only approximately 60% of children

are completing the basic educational cycle. The Committee also regrets the low secondary school enrolment and is concerned about the lower enrolment of boys compared to girls at this school level and the early termination of school attendance by pregnant girls who are not encouraged to continue education. The Committee also notes that while the percentage of public spending on education has increased, it remains one of the lowest in the region at less than 4% of GDP.

**71. The Committee recommends that the State party:**

- (a) Continue to significantly increase the budget allocations for education on all levels and expand support to families unable to cover the indirect costs of school and learning;**
- (b) Strengthen efforts to enrol all children in school, including children of the migrant population and children in remote areas and to reduce dropout rates in order to ensure the right to education for all children living on the territory of the Dominican Republic;**
- (c) Place increased emphasis on boys completing their secondary education and encourage the high number of girls leaving the educational system due to pregnancy to complete their education.**

72. The Committee highly appreciates that one year of 'initial education' before primary school was introduced and that the government targets at full enrolment of all 5 year olds in the coming school year. The Committee notes that children are allowed to enrol in primary school up to sixth grade without having to show birth certificates but is seriously concerned at information that this welcomed regulation often still has discriminatory effect on children of Haitian or of mixed parenthood. The Committee regrets that only minimal vocational training facilities are provided for the large number of children who have never attended school or left before completing the primary or secondary cycle and have no opportunities to be prepared for a responsible role in adult life. The Committee relates such phenomena to the concerning quality of education caused by poor teacher training, outdated curricula and the unsatisfactory conditions of schools in the poorest areas, including the rural and urban slums and *bateyes*.

**73. The Committee recommends that the State party**

- (a) Expand its year of 'initial education' to all children living in the Dominican Republic, including migrant children and children in remote areas;**
- (b) Guarantee the enrolment in schools on all levels to children who cannot present a birth certificate and make sure that they are not discriminated in practice;**
- (c) Expand informal and 'second chance' educational facilities for children who have left school before completing the full cycle;**
- (d) Expand vocational training facilities for all sectors of the labour market;**

(e) **Improve the quality of education by curriculum reform, teacher training and better equipment of schools, especially in remote and marginalized areas;**

(f) **Create promotional and development programmes of sports and recreational activities.**

#### Human rights education

74. The Committee notes that the National Plan of Action on Human Rights Education 2004-2008 was adopted, but regrets that human rights education, including the Convention on the Rights of the Child and the System of the Protection of Children's and Adolescents' Rights, is not an element of the curricula of all schools on all levels.

75. **The Committee recommends that the State party strengthen its efforts to provide human rights education, including the Convention on the Rights of the Child and the System of the Protection of Children's and Adolescents' Rights for all children in school and train teachers with respect to including these themes in children's education.**

### **VIII. Special Protection Measures**

**(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

#### Migration

76. The Committee notes the challenging situation because of the political, social and economic problems in a neighboring country, which has caused the migration of hundred thousands of people into the territory of the State party, including families and children which often live in poor, unprotected and vulnerable conditions.

77. **The Committee recommends that the State party**

(a) **ensure the implementation of the rights of children who migrated with or without their parents into the Dominican Republic and do not separate them from their parents or guardians in whose care they are;**

(b) **make efforts that they enjoy a minimum standard of living, including housing, clean water and sanitation, and that they have access to play, cultural activities, educational and health care institutions and services in their neighborhood needed for their development;**

(c) **protect them against discrimination and mistreatment;**

(d) **take account of the Committee's General Comment No. 6 on the Treatment of Unaccompanied and Separated Children outside their Country of Origin;**

(e) **consider becoming party to International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

#### Refugee children

78. The Committee notes efforts made by the State party to control migration, to set up an asylum procedure and to give children of residents without documents and status some support, e.g. enrolment in the lower grades of school without a proper birth or citizenship document. However, the Committee remains concerned, that reliable statistics about refugee and asylum seeking children are not available and that these children do not enjoy the full range of rights enshrined in the Convention. The Committee is concerned that their temporary identity document places them in an uncertain legal situation and increases their risk of exploitation, abuse and *refoulement*. Furthermore, the Committee is concerned that asylum requests are not at all or extremely slowly processed and that several times children were deported without notice and without information of relatives in the Dominican Republic or the country of deportation.

**79. The Committee recommends that the State party ensure a speedy processing of asylum applications and of temporary identity documents (*constancia*) and collects reliable data on these children. It also recommends that the State party provides access to the facilities and services to which children are entitled by the Convention on the Rights of the Child. The Committee also reminds the State party of its obligation not to expulse children who are in the care of their family in the Dominican Republic and to make sure these children are not deported to a country where their protection is not guaranteed.**

Economic exploitation, including child labour

80. The Committee notes that despite the Labour Code provisions defining a minimum age for children's employment and types of acceptable work, child labour is still a major problem in the Dominican Republic and that increasing number of children, aged between 5 and 14 years are working especially in services in urban areas and agriculture in rural areas. The Committee also notes the adoption by the State party of the National Strategic Plan for the Elimination of the Worst forms of Child Labour 2006-2015. It notes with interest that the Government, in the context of the ILO/IPEC time-bound programme (TBP), is carrying out several programmes of action, particularly in the agriculture sector regions (as Constanza, San Jose de Ocoa) domestic work by children in Santiago and urban child labour in Santo Domingo.

81. **The Committee recommends that the State party**

**(a) enforce the Labour Code, strengthen the inspection system and impose effective penalties in case of violations of the Provisions related to child labour, if the Code is violated;**

**(b) Continue, strengthen and enhance its efforts to eliminate child labour and its worst forms;**

**(c) Ensure that children are enrolled in education and are protected from the harmful effects of child labour;**

**(d) continue the information system about child labour and collect disaggregated reliable data on working children, including those who work in the informal sector, inter alia as domestics servants;**

**(e) Continue to seek assistance of the ILO/IPEC programme.**

Children in street situations

82. The Committee is concerned at the large number of children in street situations who are exposed to discrimination, violence, sexual abuse and exploitation, and reported mistreatment by police and law enforcement officers. The Committee is also concerned at the lack of consultation with children about measures by which they shall be protected or supported.

83. **The Committee recommends that the State party:**

**(a) Develop a comprehensive strategy to reduce the phenomenon of children living in the streets in cooperation with organizations assisting these children;**

**(b) raise public awareness of the situation of children living in the streets and combat misconceptions and prejudices;**

**(c) protect children in the streets by targeted measures against discrimination and violence, in particular against violence applied by police or other officials;**

**(d) ensure that street children are consulted when programmes are planned which shall enhance their living conditions and improve their development.**

#### Sexual exploitation and sale of children

84. The Committee notes the lack of reliable data on children who are commercially sexually exploited, but is concerned about information indicating that the problem is widespread, with major concentrations in the touristic areas. The Committee acknowledges the existence of a Plan of Action against Abuse and Commercial Sexual Exploitation and welcomes that some perpetrators have been brought to justice, but is concerned that no sufficient efforts have been made to eradicate child prostitution.

85. **The Committee recommends that the State party strengthen its multi-sectoral policies, including the effective participation of all relevant Ministries, in order to take account of social issues such as poverty, violence as well as the lack of education and employment opportunities.**

#### Administration of juvenile justice

86. The Committee welcomes the progress made in the area of juvenile justice, including the initiatives taken by the Inter-Institutional Commission for Reform of the Administration of Justice for Children and Adolescents (CEJNNA). It notes that the State party reports that children are separated from adults in detention facilities, that the legal criterion for pre-trial detention are clear, that this measure applies only in exceptional circumstances and that children have the right to challenge the legality of the deprivation of liberty before the Juvenile Court. However, the Committee is concerned that current legal reform proposals might endanger the special protection provided to children, if they could be tried as adults.

87. The Committee recommends that the State party take into account the Committee's general comment No. 10 on the administration of juvenile justice (2007), in particular paragraph 33 of this document. The Committee also recommends that the State party

- (a) Take all necessary measures, including adopting a permanent policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short time as possible;
- (b) Ensure that detention, when carried out, is done in compliance with articles 37 and 40 of the present Convention and that children are not ill-treated, their development not threatened by conditions in detention facilities and their rights are not violated;
- (c) Ensure that specialized courts (juvenile courts) exist;
- (d) Bring to trial as quickly as possible cases involving juvenile offenders;
- (e) Take all measures to ensure that the promotions of socio-economic services for dealing with young offenders are improved;
- (f) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

#### **9. Optional Protocols to the Convention on the Rights of the Child**

88. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and looks forward to the timely submission of the State party report due in 2009. The Committee also encourages the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, signed on 9 May 2002.

#### **9. Follow-up and dissemination**

##### Follow-up

89. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, *inter alia* by transmitting them to the Parliament, local authorities and relevant Secretaries of State, for appropriate consideration and further action.

##### Dissemination

90. The Committee recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) as adopted by the Committee are made widely available in all the languages of the country and to the public at large, including

**by use of the Internet so that it reaches civil society organizations, youth groups, professional groups, children, their teachers and educational staff directors and other staff that regularly come into contact with children, such as physicians, teachers, police, district attorneys and judges with the purpose of generating debate and awareness of the Convention, its implementation and monitoring.**

#### **10. Next report**

**91. The Committee invites the State party to submit, exceptionally, a consolidated third, fourth and fifth report by 10 July 2011. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

#### **11. Core Document**

92. The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonized Guidelines on Reporting, approved by the 5<sup>th</sup> Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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