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Recommendations to the Government of the Dominican Republic for the 2024 Universal Periodic Review

International responsibility

- Ratify the Convention on the Reduction of Statelessness, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and develop a national protocol for investigating allegations of torture and other ill-treatment, in accordance with the Istanbul Protocol.
- Sign the 1984 Cartagena Declaration on Refugees and its Plan of Action, and adopt this declaration's broad definition of refugee.
- Take any necessary measure to fulfil the obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.
- Take any legislative, political and legal measures needed to comply with and honour the international obligations established in the American Convention on Human Rights, which has been ratified by the Dominican state, as well as the jurisdiction of the Inter-American Court of Human Rights, which the country recognized in 1999. Ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.
- Fully enforce the binding judgements issued by the Inter-American Court of Human Rights, carrying out all necessary administrative, legislative and constitutional reforms to ensure that no person is left stateless, among other actions.

Counteracting discrimination

- Pass a national law on equality and non-discrimination that criminalizes and punishes all forms of racism and discrimination.
- Bolster public education campaigns to counter the stigma, prejudices, and gender-based discrimination that drive sexual violence and torture and other



ill-treatment against women and LGBTI+ people by state and non-state actors.

- In the positions taken by authorities, reject racism and prejudice against Haiti, Haitian nationals living in the Dominican Republic, and black Dominicans. In particular, avoid racial profiling in immigration operations.
- Ensure thorough investigations into racist violence and crimes potentially motivated by discrimination. Create systems to collect disaggregated data on forms of violence and discriminatory motives, as well as on the race, ethnicity and national origin of victims.

Human rights of Dominicans of Haitian descent.

- Recognize the impact of Judgement 168-13 on statelessness, and acknowledge the magnitude of the problem of statelessness in the Dominican Republic, including the limitations of the solutions provided under Law 169-14, as a first step towards identifying and implementing comprehensive and effective measures for eliminating statelessness.
- Restore Dominican nationality to anyone born in the Dominican Republic before 26 January 2010, regardless of the immigration status of their parents, and take all suitable measures to ensure that nobody born in the Dominican Republic becomes stateless.
- Establish and publicize clear and easy procedures for registering the birth of any child entitled to Dominican nationality in the Dominican Civil Registry. This includes amending the 2004 Migration Law and creating a clear and simple procedure for correcting errors.
- Take all appropriate measures to ensure that no one born in the Dominican Republic and entitled to Dominican nationality is prevented in the future from registering the birth of their children – or from obtaining or renewing their identity documents – on the basis of the origin or migratory status of their parents, as ordered by the Inter-American Court of Human Rights.
- Prevent any intimidation, detention and deportation of Dominicans of Haitian descent.

Human rights of migrants and asylum seekers

- Suspend forced deportations of Haitian nationals to Haiti, given the humanitarian and human rights crisis in Haiti and the risks to returnees' life and safety.
- Refrain from turning people away at the border and from collective and summary expulsions, and always observe the principle of non-refoulement, which prohibits countries from expelling or transferring anyone, regardless of their status, to a place where they may be persecuted, or where their life or



human rights would be at risk.

- End the intimidation, detention and deportation of pregnant and post-partum Haitian women and women of Haitian descent seeking medical care.
- Ensure that access to services and enforcement of migration policy are separated and guarantee that anyone, regardless of their immigration status or national origin, can access essential health services without fear of being discovered or deported.
- Establish protocols and provide human rights training for all government agents with migration-related duties to prevent and eliminate racist practices of racial profiling and discrimination.
- Cease to split up families and detain children and adolescents for deportation purposes.
- Take steps to prevent and eliminate racial profiling in migration policy. In particular, avoid racial profiling when detaining and deporting people, whether Dominican or foreign, and create protocols to prevent the expulsion of black Dominicans and to provide redress to victims of this practice.
- Reinstate legal channels for entering the country and renewing visas and temporary and permanent residency for Haitians in mobility.
- Investigate, prosecute and punish those responsible for human rights violations in migration operations.
- Implement protocols based on human rights for migration operations. Ensure that victims of human rights violations have access to justice and an effective remedy by offering mechanisms for reporting those violations and for receiving legal assistance.
- Ensure that people can access fair and effective asylum procedures and remove barriers to accessing those procedures. This should include the presence of National Refugee Office representatives at border points, ports and airports.
- Apply the international standard of the Cartagena Declaration to recognize Haitians as refugees.

Sexual and reproductive rights, diversity, and gender-based violence.

- Ensure timely, accessible and quality health care for pregnant women in the health system, regardless of their race, ancestry, immigration status and/or potential statelessness.
- Cease to prosecute obstetric events under the statutes against abortion and infanticide.
- Adopt the necessary legal and judicial measures to guarantee timely access to safe, free, legal and free abortions, including by repealing the sections of the Criminal Code that criminalize abortion and those who practice or facilitate it. This decriminalization should also encompass those convicted of the crimes of



abortion or infanticide.

- Prevent, investigate, and punish cases of gender-based violence, and assist and provide redress to victims, especially in cases involving girls and adolescents. Assistance measures should include timely and free access to abortion; and redress should include structural measures to guarantee non-recurrence.

Human rights defenders and journalists

- Publicly condemn, diligently investigate (in a way sensitive to gender and inter-cultural considerations), punish and provide redress for all acts of intimidation against journalists and human rights defenders.
- Take all necessary measures to ensure a conducive and safe space for the activities of activists, journalists and human rights defenders.
- Ensure strict adherence by all law enforcement officials to national and international standards for use of force and firearms in the context of public protests and demonstrations.
- Pause all procurement, sale, transfer and use of spyware until a proper system of human rights safeguards is in place; and ban the use of highly invasive spyware, which is defined as: 1. Spyware that allows unlimited access to a device by default, with functionality that cannot be limited to only the features that are necessary and proportionate to a specific use and purpose; or 2. Spyware whose use is neither verifiable nor independently auditable.
- Establish clear avenues for obtaining proper redress for unlawful targeted surveillance.
- Immediately conduct an independent, impartial and transparent investigation into the unlawful targeted surveillance of journalists in the country.
- Take all necessary political and legislative measures to recognize and guarantee the right to defend human rights and their associated rights, including free expression, association, peaceful assembly and access to information.
- Take all necessary political or executive measures to recognize and protect the physical, emotional, psychological well-being and work of those who advocate for, perform or provide support during abortions, including health professionals and traditional birth attendants.

Abuses by the National Police and security forces

- Thoroughly, independently and swiftly investigate all reports of human rights violations by police and other security forces – with a particular focus on discriminatory motives – and prosecute suspected perpetrators, in addition to ensuring non-recurrence and full redress for victims.



Cooperation with special procedures

- Extend a standing invitation to the special procedures of the Human Rights Council, especially the Special Rapporteur on the human rights of migrants, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.