



**Convention on the Rights
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

SUMMARY RECORD OF THE 1296th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 21 January 2008, at 3 p.m.

Chairperson: Mr. ZERMATTEN

(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of the Dominican Republic (continued)

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The meeting was called to order at 3 p.m.

In the absence of Ms. LEE, Mr. ZERMATTEN, Vice-Chairperson, took the Chair.

CONSIDERATION OF REPORTS OF STATE PARTIES (agenda item 5) (continued)

Second periodic report of the Dominican Republic (CRC/C/DOM/2; CRC/C/DOM/Q/2 and Add.1) (continued)

1. At the invitation of the Chairperson, the members of the delegation of the Dominican Republic took places at the Committee table.
2. Ms. HERCZOG asked whether the State party intended to support the operation of the hotline for children in distress and to collaborate with the non-governmental organization (NGO) which had installed it, in order to ensure that the service was accessible free of charge round the clock.
3. Mr. POLLAR said that he would like to know more about working children and the dangerous activities involved. He asked how many hours there were in a standard working day, whether awareness-raising campaigns on the exploitation of children had been carried out, and what preventive measures had been introduced. He also wished to know whether activities in that field were coordinated, whether programmes had been implemented with international cooperation, how children could enter complaints, whether cases of violation had been reported, and what sanctions had been imposed. He also asked for details of the specific situation of girls in that regard.
4. Ms. AIDOO thanked the delegation for the information about street children which it had given in its written replies (CRC/C/DOM/2/Add.1). She wished to know what were the main lines of the policy adopted in that connection in November 2007, whether all the legislation enacted and the various interministerial committees set up to protect children, in particular street children, had produced positive results, whether the State supported the services provided by the NGOs working with street children, and what general role of the State played in those areas.
5. Referring to paragraph 63 of the written replies, concerning the care centres established by the Directorate-General of the Armed Forces for the reinsertion of children and adolescents, she asked how many children had been admitted to the centres, what the admission criteria were, and what the educational content of the proposed programmes consisted in.
6. She would be grateful for information from the delegation about whether the programmes of social and family reinsertion run by NGOs and the Church had been evaluated and whether the State was involved in the programmes, or at least in their supervision. It would also be useful to know whether the State was collaborating with NGOs and civil society in the conduct of a global study of the underlying causes of that societal phenomenon, with a view to explaining how and why children moved onto the street (poverty, family situation, migration, young mothers raising their children alone, family abuse and violence), hearing what the children concerned had to say, and proposing preventive measures.
7. Mr. FILALI, referring to table 32 in the written replies, asked whether all the minors charged with an offence were in detention. He was worried about the slowness of judicial procedures, which jeopardized the very principle of due process. More than 200 indicted persons had remained in prison awaiting trial in the period 2004-2006. He asked for details of the

conditions under which convicted minors were detained and whether they could benefit from measures such as conditional or semi-conditional release which would enable them to continue their education.

8. In the case of minors detained for criminal offences, he asked whether counsel could intervene during the period of remand in custody and immediately after a decision was taken on pre-trial detention, what the duration of such detention was, the extent to which minors could use the remedy of *amparo*, and whether they were informed about that protection measure and about their rights in general.

9. Mr. CITARELLA said that he would like to know the status of the project on the establishment of special children's courts and how many courts of that type would be created.

10. He would also like the delegation to indicate whether minors were detained in separate facilities from adults, whether administrative procedures could be applied to children aged under 13 charged with an offence, and whether the State party did not envisage for them treatment other than detention.

11. Ms. VUCKOVIV-SAHOVIC asked whether the State party planned to ratify the Convention against Torture, which it had long since signed, and its Optional Protocol. She asked what action had been taken under article 19, paragraph 2, and what means were available to children to protect themselves against violence.

12. Mr. KRAPPMANN (Country Rapporteur) asked what strategies had been devised to combat the sexual exploitation of children.

13. Ms. ARES (Dominican Republic) said that the care centres were for children who would be at risk if they remained with their families and who needed immediate assistance. Children received psychological treatment in the centres with the aim of enabling them to return to their families. A centre's staff would monitor the children whom it had returned to their parents.

14. Foster families were usually chosen from among the child's extended family, and the aim was always to secure the child's reinsertion in his or her immediate family.

15. Ms. SMITH asked whether children were consulted about their placement.

16. Ms. ARES (Dominican Republic) said that children aged 12 or older were consulted.

17. The CHAIRPERSON, speaking as a member of the Committee, said that he was astonished at the decline in the number of national adoptions and the increase in the number of intercountry adoptions; the best policy would be to encourage national adoption.

18. Ms. ARES (Dominican Republic) said that the fall in the number of national adoptions was due to the fact that ground had been made up in the processing of applications; that was not the case for intercountry adoptions.

19. She drew attention to the sharp decline in the number of abandonments, in particular of newborn babies. The National Council for Children and Adolescents (CONANI) was immediately notified of abandoned children. If the child could not be placed with members of its family, adoption was considered.

20. Ms. VICIOSO (Dominican Republic) said that her country, which shared a long frontier with Haiti, had to make an enormous effort to deal with problems of migration. It was a country of origin (two million of its citizens lived abroad) and of transit and destination. Following a crisis in its relations with the United States of America, which considered that the Dominican Republic had not been doing enough to combat trafficking in persons, the Government had moved swiftly to draft Act No. 137-03, which was designed to regulate the problem. It should be stressed that the legal provisions on foreigners did not apply solely to Haitians present in Dominican territory but to all foreigners. Article 28 of the Migration Act (No. 285-04) made it obligatory for non-resident foreign women who gave birth during their stay in the Dominican Republic to notify the birth to the consulate of their country of origin. Civil registry offices had been opened in all health centres in order to facilitate the completion of the formalities.

21. The Migration Act did not contravene any provision of international human rights law. The Dominican Republic had also adopted an act to combat trafficking in persons, which was the most stringent in South America in terms of penalties. It was also conducting a permanent campaign to boost awareness of the provisions of the act and had established a number of centres for the shelter and protection of women and children victims of trafficking.

22. Ms. SMITH asked whether it was true that the Dominican authorities had suspended consideration of all asylum applications.

23. Ms. ORTIZ (Alternate Country Rapporteur) said that she would like to know whether only the father transmitted Dominican nationality and to have further details of the “amnesty act” relating to the late declaration of births (*ley de amnistía sobre declaración tardía de nacimiento*).

24. Mr. KRAPPMANN (Country Rapporteur) said that of course every country had the right to decide who was entitled to reside in its territory and that he appreciated the State party’s efforts to bring some order into the current situation. However, there were a number of rare but tragic situations which called for generosity on the part of the authorities, such as the situation of mothers regarded to be “visitors in transit” even though they had lived in the State party since birth.

25. Ms. VICIOSO (Dominican Republic) said that it was precisely because the authorities were aware of the persistence of difficult situations that the migration legislation was currently being revised. The fact was that the country was having to cope with a serious problem of clandestine immigration, from Cuba in particular.

26. The Dominican Republic was working hard to combat sexual exploitation. For example, it had sent a delegation to a world meeting of tour operators, held in Florence, which had approved measures to support the efforts of Governments in that area. With assistance from the United Nations Children’s Fund (UNICEF) it had launched poster campaigns, at airports and in consulates in particular, to remind everyone that sexual violence was a crime punishable by law on Dominican soil.

27. By expelling to the Dominican Republic young offenders who then recruited adolescents and children from poor districts, some of them only nine or 10 years of age, the United States had introduced into the country the previously unknown phenomenon of criminal gangs. It would be a good thing for the Committee to call on the United States to cease that practice, which was a source of unprecedented social problems for the Dominican Republic.

28. Where domestic violence was concerned, the thrust of the work done in collaboration with the police was to bring about a change of attitude in a society which still regarded corporal punishment acceptable.

29. Ms. HERCZOG drew the State party's attention to the fact that sexual exploitation was not attributable solely to foreign tourists and that it was commoner in some countries than in others, depending on internal factors such as poverty, the average standard of education and the average age of first sexual relations, and indeed on the prevalence of violence, for the chances of falling into the hands of a network engaging in trafficking for the purpose of sexual exploitation were statistically greater for victims of sexual violence. The Committee had been informed that many girls employed as domestic servants had suffered sexual violence. The delegation might provide further details on that subject.

30. Mr. KOTRANE said that he was aware of the problems caused by the emergence of gangs but urged the State party not to stigmatize young people expelled from the United States, who must enjoy the assumption of innocence, but instead to concentrate on a preventive approach, in particular by trying to cut the number of school dropouts. It was not for the Committee to make recommendations to the United States on the subject; it was for the Dominican Republic to maintain good relations with that country with a view to finding bilateral solutions.

31. Ms. AIDOO welcomed the action taken to combat sex tourism but stressed that sexual violence was also common among Dominicans themselves. The two phenomena existed and called for differentiated approaches.

32. Ms. VICIOSO (Dominican Republic) said that a UNICEF study had in fact shown that 77 per cent of the perpetrators of sexual violence were adult males of Dominican nationality. The country's prevailing macho culture was indisputably a factor to be addressed. It was for that reason that education campaigns had been launched and penalties made more severe.

33. Mr. PADILLA (Dominican Republic) said that specific programmes had been introduced in the most seriously affected regions to prevent and combat the worst forms of child labour. Training activities had been carried out in 14 municipalities to teach police officers, schoolteachers and other persons having influence at the grass roots to recognize the signs of domestic violence.

34. Several telephone hotlines had been established, including one open round the clock, in order to facilitate reporting. One of the lines was operated by the State, the others were initiatives of NGOs in receipt of public funds. The 24-hour line was being evaluated; the aim was to provide a more sophisticated response in future, for example by using the skills of former victims of ill-treatment. In order to prevent persons who suspected violence from refusing to speak out for fear of being prosecuted if the facts were not confirmed, it had been decided that no prosecutions could be initiated against persons reporting sexual or domestic violence.

35. Ms. TOBAL (Dominican Republic) said that an entire system of juvenile justice had been established: the country now had special judges for children and adolescents, a National Directorate for Children and Adolescents in the Office of the Procurator-General, a Public Prosecutor's Office for children and adolescents, and a specialized criminal investigation unit in the police. In addition, a special department had been created in the Public Prosecutor's Office for children and adolescents to handle cases of sexual exploitation.

36. It was incorrect to say that perpetrators of sexual violence enjoyed impunity. Such violence, whether committed within or outside the family, never went unpunished. The various reporting arrangements introduced, including anonymous reporting, had moreover led to the registration of 800 reports since May 2007. All the reports were checked by multidisciplinary teams including a prosecutor, psychologists and social workers. If the facts were confirmed, the Office of the Public Procurator immediately took charge of the case and could, when necessary, remove a child from its family while inquiries were made. In some cases, violent parents could have custody of the child withdrawn or be deprived of parental authority. In custody cases the courts almost always heard the child in question, depending on his or her age, and took systematic account of the child's best interests. The training received by the specialist judges at the National School for the Judiciary and by members of the Government Procurator's Office and specialist police officers at the National School for Prosecutors consisted not merely of seminars but of authentic in-service training in the rights of the child.

37. All arrested minors aged between 13 and 18 years were immediately put in touch with counsel. Assigned counsel were able to act swiftly, for every unit of the Public Prosecutor's Office for children and adolescents had at least one representative of the defence counsel service. Act No. 136-03, which had introduced the Code for the Protection of the Fundamental Rights of Children and Adolescents, had created a specialized police unit which was the sole agency empowered to place juveniles in conflict with the law in police custody; the unit was bound by a requirement to notify the Office of the Prosecutor-General of such action without delay. That Office then had 24 hours in which to bring such juveniles before an examining magistrate, who had to release them once that time limit had expired.

38. No juvenile had been imprisoned with adults since 2002. The Ministry of Education had appointed teachers to ensure that juveniles held in the country's five specialized detention facilities could receive permanent education recognized by the Ministry. Since judicial measures could not be applied to children aged under 13, the Public Prosecutor's Office for children and adolescents coordinated its work with CONANI to prevent such children from re-offending. Torture was unknown in the State party, but gang-related violence was one of the big problems confronting the system for the administration of juvenile justice and the juvenile detention centres.

39. The "amnesty act" relating to the late declaration of births, which had fixed a grace period for registering the births of undeclared children, had provided welcome relief of the problem of the vast numbers of children lacking birth certificates; the Commission on the Administration of Juvenile Justice, in collaboration with the Ministry of Education and the Central Electoral Board, was seeking to render the application of the act as effective as possible, in order to facilitate the issuance of birth certificates to families lacking them.

40. Ms. ORTIZ (Alternate Country Rapporteur) asked whether there was a body responsible for supervising the conditions under which minors were held in custody or any means of recourse by which they could report unlawful acts committed against them in detention centres.

41. Ms. TOBAL (Dominican Republic) said that the National Directorate responsible for the comprehensive care of juveniles in conflict with the criminal law had a duty to ensure respect for and implementation of the programmes and policies relating to exercise of the rights of juveniles. In addition, the Commission on the Administration of Juvenile Justice, which was made up of representatives of the judicial apparatus, the school system, the defence counsel service, CONANI and the Office of the Prosecutor-General, could take up any kind of complaint. Detained juveniles could also complain to a visiting magistrate. Visiting magistrates could enter

detention centres without requesting authorization, interview the juveniles, and call for improvement of the conditions under which they were being held; they also were in permanent contact with officially assigned counsel, who likewise had free access to the centres to check whether the regulations on conditions of detention were being respected. If they were not, counsel could bring the matter to the attention of the Public Prosecutor's Office for children and adolescents.

The meeting was suspended at 4.40 p.m. and resumed at 4.45 p.m.

42. Mr. LIZARDO (Dominican Republic) said that about 30 per cent of minors aged under 17 had been living below the poverty line before the economic crisis of 2003-2004; that figure had since risen to 50 per cent, a deterioration which clearly demonstrated the ineffectiveness of the social protection system. One of the reasons was that the most dynamic sectors of the economy were the ones which created the fewest jobs and that that type of growth generated socio-economic and regional disparities. There was thus a need to pursue a more vigorous social policy where job creation was concerned, monitor the effects of economic policy on society, and inject energy into the production sector. The first aim in that regard was to strengthen and extend the social protection system, as envisaged in the ongoing social security reforms, which were designed to provide better protection for the most vulnerable groups, in particular children and persons with disabilities. The reforms included a poverty reduction strategy, which was to be implemented in 2008, and had provided since 2003 for the payment of a pension, up to age 21, to children who had lost, in the person of a parent, their chief source of income.

43. The Dominican Republic had launched a Ten-Year Education Plan (2007-2017), with two main objectives: to make good the shortcomings in the education system, in particular the problems of dropouts and repeated years, by expanding the supply of supplementary education with the provision of direct assistance, including in the form of school requisites and uniforms for the poorest children; and to improve the quality of education. Centres of excellence had been created in secondary education to enable children aged between 12 and 17 to remain in the school system in order to obtain qualifications and skills suited to the needs of the jobs market. There was also a plan to increase the number of children attending nursery school, in view of the importance of that stage of education in reducing dropout and repetition rates and preventing violence. The State party wished to make education compulsory for all children from age five and, in the medium term, from age three.

44. The year 2008 was national health promotion year. The Government had launched an ambitious "Zero Tolerance" programme designed to reduce infant and maternal morbidity and mortality caused by transmissible diseases. A national epidemiological monitoring system had already led to some improvements, except in the case of maternal mortality. The country still had much to do with respect to the funding of health expenditure, for it currently allocated less than two per cent of gross domestic product to that item.

45. Ms. VIDAL (Dominican Republic) said that the Education Act, which was based essentially on the country's Constitution and on the Convention on the Rights of the Child, did not establish discrimination between foreign and Dominican children and adolescents and that it guaranteed education for them all, without distinction as to race, sex or religious faith. The State party provided free education for all children, regardless of whether they had a birth certificate or were in transit or immigrants. Pursuant to Act No. 136-03, pregnant teenagers could not be denied access to education.

46. The CHAIRPERSON asked what strategy the State party was pursuing to encourage children not to drop out of school at the end of primary, as many of them currently did.
47. Ms. ORTIZ (Alternate Country Rapporteur) said that she was worried by the fact that almost 50 per cent of secondary pupils attended private schools and that she would like to know what plans the State party intended to implement to guarantee all children access to public secondary schools free of charge.
48. Mr. CITARELLA asked whether free primary education did in fact cover all the modules and subjects offered to pupils, for otherwise some pupils, especially poor children living in rural areas, would be denied education for economic reasons.
49. Ms. AL-THANI said that he wished to know what arrangements the State party had put in place to encourage parents to enrol their children in school, whether children with disabilities attended special education or general education schools, and the attendance rate for children with disabilities. She would welcome additional information about the action taken to close the gap between urban and rural areas where school attendance was concerned.
50. Ms. AIDOO asked whether children who had never attended school or had dropped out early were catered for under informal education programmes to prepare them to join or rejoin the traditional system and whether the State party had considered the possibility that the particularly high dropout rate might be a sign of dysfunction within the present education system itself.
51. Mr. KRAPPMANN (Country Rapporteur) asked how many adolescents attended vocational training courses and what goals the State party had set in that area.
52. Mr. VIDAL (Dominican Republic) said that not all secondary schools were private and that pupils who so wished had free access to secondary education.
53. The Ministry of Education had initiated programmes to support and motivate parents in order to combat school dropouts, under which it offered financial incentives and provided free school meals, uniforms, textbooks and other school requisites. In addition, in order to encourage families to send their children to school, awareness-raising programmes were carried out in rural areas by social workers, who explained to parents that schooling offered their children an opportunity to escape from poverty. Under such campaigns children who had dropped out could rejoin the education system by enrolling in one of the classes available at several levels which catered for children of different ages and enabled them to make up their accumulated lost ground.
54. Vocational and technical training was also free. After age 16 students could take courses in specialized schools in information technology, electronics, accounting, hotels and catering, and tourism as preparation for entering the employment market. Such students were usually directed towards the opportunities available in the various occupations.
55. Children with disabilities or special needs were initially taught in special schools before joining the general education system, when their situation permitted, under reinsertion programmes run jointly with specialized NGOs.
56. Mr. LIZARDO (Dominican Republic) said that the poor secondary attendance rate in rural areas was due mainly to the shortage of classrooms and that priority was now being given to school building.

57. Mr. PADILLA (Dominican Republic) said that “protected” programmes had been introduced to promote the attainment of some of the Millennium Development Goals, including the reduction of infant and maternal mortality, improvement of the health of mothers and children, and combating malaria and AIDS amongst other diseases. But the maternal mortality rate remained high, a situation which was all the more worrying because 98 per cent of births were attended by medical personnel.

58. The infant mortality rate had remained relatively stable and low since 2002, in a range of 31 to 32 deaths per 1,000 live births, despite the 2003 crisis, which might have had tragic consequences in that connection, for at that time 1.5 million persons had fallen below the poverty line, lacking sufficient resources to care for their children.

59. Various programmes were being carried out to improve the country’s standards of health, including nutrition and vaccination programmes. For example, vaccination days were held nation-wide to combat diseases of early childhood and detect contagious diseases. The State party’s political will to improve the situation was not open to doubt, as could be seen from the increase since 2005 in the credits allocated to the various programmes furnishing support and assistance to families.

60. Another priority was the fight against HIV/AIDS, organized by CONANI in collaboration with several international bodies and NGOs working in the field. In addition, an alcoholism-prevention policy had been implemented, with very encouraging initial results. The aim of that policy, which was based on the closing of bars and drinks outlets at midnight on weekdays and 2 a.m. at weekends, was to reduce excessive consumption of alcohol, which was very widespread in the Dominican Republic, and thus to prevent the associated violence and road accidents. It was also designed to prevent the emergence of the phenomenon among minors by forbidding them entry to drinks outlets, a ban already established by Act No. 14 of 1994. There was also a campaign to combat tobacco and alcohol addiction among young people, which used posters and radio and television spots.

61. Mr. LIZARDO (Dominican Republic) said that 36 per cent of the population now had health coverage, as compared with 23 per cent in 2004. The aim was to achieve universal coverage by 2011.

62. In order to reduce the number of early pregnancies, a decision had been taken to include a course of sex and reproduction education in secondary school curricula.

63. Ms. AIDOO asked what policies had been carried out by the State party to assist street children and why the provision of accommodation and care for them and their social reinsertion were responsibilities of the army.

64. Mr. PADILLA (Dominican Republic) said that since 2002 the functions of members of the armed forces had been extended to include several socially useful activities, such as reforestation, natural-disaster relief, and the care of street children. They were given appropriate training so as to be able to help young people living on the margins of society to regain confidence in themselves, for there was no doubt that it was just as much a lack of self-esteem as poverty which pushed the children in question towards vagrancy and the street. Moreover, many of the children who were reintegrated in society joined the ranks of NGOs working in that field in order to help other children to reintegrate in their turn.

65. Ms. ORTIZ (Alternate Country Rapporteur) said that she welcomed the fruitful dialogue established with the State party and the progress which it had made in applying the Convention. She stressed the need for CONANI to ensure that disaggregated statistics were collected with a view to improving the monitoring of the situation, coordinating all the efforts made in the context of children's policy, and ensuring that the various components of that policy were allocated sufficient human resources, which moreover should not change with every change of political majority.

66. She then noted the weak points in the State party's policies affecting the application of the principles embodied in the Convention, including the inadequate participation of children in decisions which concerned them, the dysfunctional situation with regard to the registration of births, the lack of respect for the principle of the best interests of the child, and the absence of universal free secondary education.

67. Mr. KRAPPMANN (Country Rapporteur) noted with satisfaction the many efforts currently being made by the State party to secure greater respect for the Convention, as well as the gradual introduction of new arrangements designed to improve the situation of the country's children and adolescents.

68. Ms. ARES (Dominican Republic) thanked the members of the Committee for their observations and assured them that the State party would take those observations into consideration in the drafting of its future five-year plans.

The meeting rose at 5.55 p.m.

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