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# FUNCEJI

**ALTERNATIVE REPORT  
TO THE UN COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION (UNCERD)**

*81<sup>st</sup> Session  
11 February – March 2013*

CERD/C/DOM/13-14

*Submission in observance of the thirteen and fourteenth  
periodic report of the Dominican Republic*

## **ABOUT THIS PUBLICATION**

**The Fundación Comunidad Esperanza & Justicia Internacional, Inc.** (*Community, Hope and International Justice Foundation, FUNCEJI*) it's a NGO established on 12 September 2004 and it has as mission to educate and promote human rights in the Dominican Republic. In 2009 and 2010 attended to the UN Human Rights Council sessions as part of the Universal Periodical Review held to the country; in 2011 and 2012 submitted individual reports to the UN Human Rights Committee.

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Santo Domingo, Dominican Republic  
January 2013

## **APPLICATION OF ARTICLES IN THE CONVENTION**

### ***Article 4***

1. The Dominican Republic do not fulfill what is established in the International Convention on the Elimination of All Forms of Racial Discrimination in its article 4, paragraphs (A) and (B).
2. As of the publication of this report, the Dominican Republic have neither typified or penalized the propaganda or support of ideas based on the superiority of one race, skin color or ethnicity. Also there is not explicit prohibition for the creation of organizations inspired by hate or racial discrimination. Individuals who are victims of such ideas are left legally unprotected due to the lack of legislation.
3. Its important to address that however the Dominican Criminal Code embodies racial discrimination in case of the refusal to offer a service, does not include offenses based on racial hatred.

### **Recommendations**

4. To typify and expressly penalize on the Criminal Code any form of racial superiority, racial hatred or the instigation of racial discrimination against any person or group, promoted or committed either by individuals or organizations.
5. To add the words "BY ANY OTHER CONDITION" as part of the definition of discrimination in the Criminal Code as the current explanation used do not cover all the existent forms, increasing the vulnerability of the citizens.

## *Article 5*

6. On Tuesday 18 September 2012, local newspaper EL DIA (THE DAY) published a news item regarding the creation of a Institutional Technical Commission on Matters of Employment Discrimination and Opportunities Equality. Minister of Labour Maritza Hernández explained that the commission would be in charge of the follow up of the policies, programs and projects aimed to improve workers rights, therefore is expected to raise harmony and the labour laws.
7. FUNCEJI is pleased with the creation of this commission and hopes its functional, truly monitoring the commitments made by the Dominican Government, at domestic and international levels, protecting the right of all workers to work free of discrimination and in conditions that promote their human development.
8. However, the Dominican Government fails to comply with the duty of ensuring favorable conditions of work, free from discrimination as described on point (i) , letter (e) of this article.
9. In the Dominican Republic, Afro descended and color people are often subject of discrimination during recruitment and selection processes. Is common practice to advertise job offers requiring to be "NET IN APPEARANCE", which could be interpreted as smart or business dressing, but it really implies to look good to the eyes of the recruiter. On the attachments at the end of this report we've provided examples of adverts in national newspapers asking for this requisite, which neither the Public Prosecutor or the Ministry of Labour, have tackled.

## *Recommendation*

10. The Public Prosecutor and the Ministry of Labour must forbid and punish this practice (job offers and recruitment processes requiring this requisite). A joint resolution should be issued and advertised in national newspapers, reminding companies that it is prohibited to discriminate individuals under any circumstance.

## *Article 7*

11. In 2005 the Government of the Dominican Republic, through the Ministry of Interior and Police jointly with the National Police published a pocket version collection of international instruments on human rights aimed to raise awareness in the society, encouraging multiplying agents to spread the voice among the citizens.
12. Multiple copies were provided to civil society organizations, proving to be a great resource to carry on the work in the fields of promotion and protection of those rights. This strategy was very much welcomed and served to empower thousands of young people, specially those attending public and private education institutions at primary, secondary and higher levels.
13. Unfortunately this very helpful recourse is out of print since its first publication.
14. The Institute of Human Dignity of the National Police has been created to educate law enforcement officers about the observance of respect of the human rights of the citizens while pursuing their duties as agents of public order.
15. The Graduate School of Human Rights and International Humanitarian Law, as a department of the Ministry of the Armed Forces it is in charge of training the Dominican military personnel on these matters. The school organize a free annual postgraduate program for civilians and officers.
16. Through their National School of Public Prosecution, the Attorney General of the Republic decided to create a Human Rights Unit in 2012 aimed to educate the district attorneys in the country. Concomitantly, courses on International Humanitarian Law are offered on a regular basis to agents of the judicial system.

17. The purpose of the National Judiciary School is to improve the quality of the Dominican Justice System by training its employees. The school offers courses in Human Rights to all public servants.
18. On 28 November 2012, national newspapers published articles about a framework agreement for collaboration between the recently created Constitutional Court and the Ministry of Education. The agreement's objective was to promote and to incorporate the teaching of the Constitution into the primary and secondary levels of the National Education System.
19. On 7 November 2012, the Chamber of Deputies launched a Children's Version of the Dominican Constitution with the purpose of instruct children and adolescents on what are their duties and rights.
20. However the fact that the Dominican Republic have made important progress in the promotion of human rights through education, FUNCEJI understand that this is not enough to comply with the international standards of diffusion of the conventions, protocols and pacts committed by the state. At the moment, there is no subject on schools curriculum which covers topics related to the promotion of human rights, tolerance or multiculturalism.
21. Most of Dominicans are unaware of the rights the Constitution grants to them. This has motivated the Government to prioritize efforts to promote the teaching of those rights in the upcoming years, however no reference is made to other instruments or matters as promoting a culture for peace, tolerance, respect or non discrimination. Overall the picture suggest these issues are left behind.

### Recommendations

22. To publish once again, the pocket version collection of international human rights instruments, and make of this a permanent strategy. This has proven to be an empowering tool for the society.

23. To establish and maintain an internet portal, with permanent and full access to a collection of national and international human rights instruments. This should also include online educational resources (as virtual courses, guides and learning material for students, teachers, community leaders) and a directory of institutions (which can aid the individuals in case they understand they have been victims of violation know who to contact for help) among others
24. To assign the Office of the Ombudsman the task office the task of the formulation, implementation and monitoring of human rights public policy.
25. To elaborate and apply, alongside with the civil society, a National Plan on Human Rights.
26. To introduce the subjects of Human Rights and Culture for Peace in the curriculum at all levels of education (from primary to higher).
27. To expand the scope of higher education programs and training courses in human rights in both public and private Higher Education Institutions.
28. To design and implement a Human Rights National Training Course for all public servants. This could be imparted by the National Institute for Public Administration.
29. To carry out a yearly evaluation on human rights knowledge to all members of the National Police and the National Army.
30. To provide training on human rights applied to their duties, to all the staff working for both the National Prisons and Migration Directorates.

## **FOLLOW UP OF THE FINAL REMARKS OF THE COMMITTEE.**

### ***Follow up of Paragraph 10: National Human Rights Institution.***

31. The Ombudsman figure was formally established by the law 19-01 and was constitutionalized 9 years after when a new Constitution came into force on 26 January 2010, unfortunately as of the date of this report, the incumbent have not yet been appointed. FUNCEJI believes this delay of 11 years to implement and get this institution functioning is a clear sign of absence of political will.
  
32. Another aspect FUNCEJI believes undermines the future work of the Ombudsman is the incomplete framework which sustain its creation, as it has limited powers (on the light of domestic legislation, its decisions are considered of non binding nature regarding other public authorities). The lack of definition of its competencies and the absence of legal status of its mandates, are among the challenges to be faced.

### **Recommendations**

33. To appoint the Ombudsman, ensuring independence from political pressures and having in mind the individual selected should have proven knowledge and commitment to the defense of human rights.
  
34. Invest the Ombudsman with all the capacity needed in terms of economical, human and material resources to guarantee quality in the delivery of its work.
  
35. Ensure that the Ombudsman monitor, investigate and prosecute all the complains and allegations of human right violations in the Dominican Republic.

# ATTACHMENTS

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