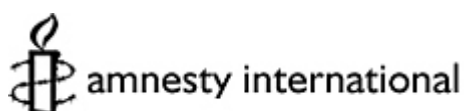


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Amnesty International Report 2010 - Dominican Republic

DOMINICAN REPUBLIC

Head of state and government: Leonel Fernández Reyna

Death penalty: abolitionist for all crimes

Population: 10.1 million

Life expectancy: 72.4 years

Under-5 mortality (m/f): 37/29 per 1,000

Adult literacy: 89.1 per cent

At least 226 unlawful killings by the security forces were reported between January and August. Haitians and Dominico-Haitians faced widespread discrimination. Constitutional reform increased the likelihood of a total ban on abortion.

Background

The process of constitutional reform concluded in December. Positive developments included provisions for the appointment of a human rights Ombudsperson and the creation of a constitutional court. However, several civil society organizations expressed concern that many of the amendments undermined constitutional human rights guarantees.

Police and security forces

According to the General Prosecutor's Office, 226 people were killed by police between January and August 2009, a decrease of 72 over the same period in 2008. Eyewitness testimonies and other evidence indicated that many of these killings were unlawful and a number may have amounted to extrajudicial executions.

- On 28 March 2009, Nicolas Disla was stopped in the street in Santo Domingo by three police officers in a patrol car. Eyewitnesses report that, although Nicolas Disla was unarmed and obeyed police orders, one of the officers shot him twice in the legs. The officers then handcuffed him as he lay injured and drove him away. Members of his family learned later that day that Nicolas Disla had been pronounced dead on arrival at the local hospital, with gunshot wounds to the

stomach and legs. Two days later, at the funeral, one of the officers allegedly responsible for the killing tried to shoot Nicolas Disla's brother, Juan Carlos Disla. A judicial investigation into the killing was continuing at the end of the year.

Police used excessive force to disperse demonstrators protesting at the lack of access to clean water, poor infrastructure and frequent cuts in the electricity supply.

- On 16 July, 13-year-old Miguel Ángel Encarnación was shot dead during a demonstration in the Santo Domingo neighbourhood of Capotillo. According to the police, the gunshots were fired by unidentified individuals. However, a commission of inquiry later confirmed reports by eyewitnesses that a police officer had fired the shots. The police officer was under investigation at the end of the year.

Discrimination – Haitian migrants and Dominico-Haitians

Access to nationality

Thousands of Dominicans continued to have their identity documents revoked on the basis of a directive issued in March 2007 by the Dominican Electoral Board. The vast majority of those whose documents were revoked were of Haitian descent. The refusal to issue identity documents resulted in people being denied access to education and health services, the right to vote and employment. Those without papers were also at risk of arbitrary detention and mass expulsion, without access to judicial review.

Expulsions

Many deportations of Haitian migrants breached international human rights standards.

- On 4 October, 25 Haitian agricultural workers attending a training session on labour rights for migrant workers in Montecristi were arrested by soldiers and returned to Haiti the following morning. They were given no opportunity to challenge the legality of their detention, appeal against the decision, or collect their belongings or wages owed.

Lynchings

There were continued reports of mob attacks against Haitian migrants in apparent reprisal for killings of Dominican citizens or for other crimes rumoured to have been committed by Haitians. The authorities failed to take measures to combat racism and xenophobia.

- On 2 May, Carlos Nerilus, a Haitian national, was decapitated by a group of residents who claimed he had murdered a Dominican man in Santo Domingo the previous day.

Violence against women and girls

According to the General Prosecutor's Office, the number of women killed by partners or former partners fell by 31 per cent between January and August 2009, compared with the same period in 2008. However, women's organizations stated that the true extent of such crimes may have been masked by inadequate data collection.

Sexual violence remained widespread, with girls at particular risk. For example, in July the Office of the Public Prosecutor of Santo Domingo revealed that, on average, 90 per cent of the complaints of sexual violence received involved girls under the age of 18.

Sexual and reproductive rights

Amendments to the Constitution introduced the principle of the inviolability of life from "conception to death". Women's organizations, the medical profession and other sectors of civil society expressed grave concerns that this could deny women and girls the right to life by severely limiting access to safe abortion in cases of life-threatening complications. There were also fears that it would reduce the scope for decriminalizing abortion in cases where the pregnancy is the result of rape or incest.

Amnesty International visits/report

- Amnesty International delegates visited the Dominican Republic in March and September/October 2009.
- Dominican Republic: Submission to the UN Universal Periodic Review (AMR 27/002/2009)

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