

Amnesty International Report 2015/16 - The State of the World's Human Rights - Dominican Republic

A law to reform the police was not passed. Many people of Haitian descent remained stateless despite the implementation of a law intended to address their situation (Law 169-14). A new Criminal Code removing the total ban on abortion failed to enter into force. Parliament failed to adopt legislation that could have advanced the protection of the rights of women, girls and lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Background

In June, following an agreement between the ruling and the main opposition parties, Congress adopted an amendment to the Constitution allowing the outgoing President to run for a consecutive term. A few days later, the President announced his intention to run for a second term in the 2016 presidential elections.

A draft regulation governing the internal procedures of the Public Defender's Office, established in 2013, was submitted to Congress in July, but remained pending at the end of the year.

The Ministry of Foreign Affairs led a consultative process with different civil society groups aimed at developing a national human rights plan.

Police and security forces

The Office of the Prosecutor General reported 152 killings by security forces between January and September. Many killings took place in circumstances suggesting that they may have been unlawful.

Congress continued to debate a draft law on police reform, but had not approved it by the end of the year. As a consequence, the process for a comprehensive reform of the police was further delayed.

There was a 6% fall in the number of murders between January and September compared with the same period in 2014; however, the number remained high. Apart from the publication of progress reports on the national system of response to emergencies, no information was made available on the implementation of the National Security Plan, which had formally been launched in March 2013.

Impunity

No progress was made in the investigation into the enforced disappearance of three men – Gabriel Sandi Alistar, Juan Almonte Herrera and Randy Vizcaíno González – who were last seen in police custody in July 2009, September 2009 and December 2013, respectively. Their fate and whereabouts remained unknown. In June, the Supreme Court accepted the appeal of six members of the security forces arguing that their 2013 prosecution for the killing of Cecilio Díaz and William Checo in 2009 had been initiated after the expiry of the statute of limitations, and decided to terminate the proceedings against them.

Deprivation of nationality

The authorities continued to implement Law 169-14, which was intended to restore nationality to those who had been arbitrarily and retroactively deprived of their Dominican nationality by a 2013 Constitutional Court judgment. The administrative process for Dominican-born people of foreign descent whose birth had been previously registered in the Dominican Civil Registry (so-called “Group A”) to regain their nationality was slow, and many people continued to be arbitrarily deprived of their identity documents. Of the estimated 55,000 Dominican-born people of foreign descent whose birth had never been registered (so-called “Group B”), only 8,755 applied for the naturalization plan provided by the Law within the deadline, set for 1 February. The government failed to publicly acknowledge the existence of a large group of people who could not enrol in the plan and who therefore remained stateless.¹

Scores of Dominicans of Haitian descent were arbitrarily detained and threatened with expulsion to Haiti as “irregular” migrants. However, in the vast majority of cases the authorities released them upon verification that they were born in the Dominican Republic.

Migrants’ rights

In February, following an escalation of tensions between the Dominican Republic and Haiti, the body of a Haitian migrant was found hanging from a tree in a park in Santiago. There were fears that he may have been the victim of a xenophobic killing. No one had been brought to justice for the killing by the end of the year. Attacks on Haitian migrants in retaliation for crimes allegedly committed by other Haitians were reported.²

On 17 June, the deadline expired for applications to the National Regularization Plan for Foreigners with Irregular Migration Status. The government announced that 288,486 migrants had applied. At the end of September, the government stated that the status of more than 239,000 applicants had been regularized.

The government officially resumed deportations of irregular migrants in mid-August.³ From mid-June onwards, tens of thousands of Haitian migrants decided to return to Haiti, mainly because of fear of violent expulsion or xenophobic pressures from employers or neighbours. This movement of people led to an escalation of tensions between the Dominican Republic and Haiti. The OAS responded by sending a mission to both countries in July. Following the visit, the Dominican authorities refused the offer of mediation by the OAS Secretary General or to negotiate a protocol for deportations with Haiti. The authorities did not make their own protocol public.

In most deportation cases, the authorities assessed each case individually. However, according to the International Organization for Migration and some Dominican and Haitian civil society organizations, several people who had applied to the National Regularization Plan reported having been deported.

Violence against women and girls

According to official statistics, the first semester of the year saw a decrease of 4% in the number of killings of women and girls, compared with the same period in 2014.

Parliament had yet to adopt a comprehensive law to prevent and address violence against women approved by the Senate in 2012.

Sexual and reproductive rights

In December 2014, Congress passed amendments to the Criminal Code decriminalizing abortion where pregnancy posed a risk to the life of the woman or girl; where the foetus would be unable to survive outside the womb; or where the pregnancy was the result of rape or incest. Anti-abortion groups subsequently challenged the constitutionality of the reform. On 2 December, the Constitutional Court declared that the adoption of the Code was unconstitutional due to procedural errors and ordered the previous one, adopted in 1884, to remain in force.⁴

The Ministry of Health, in co-operation with civil society organizations, drafted protocols to implement the decriminalization of abortion in the three circumstances permitted by the Criminal Code.

In July, following pressure from religious groups, the President of the Chamber of Deputies removed a draft law on sexual and reproductive health from the agenda for discussion by Parliament. The law had not been debated by the end of the year.

Rights of lesbian, gay, bisexual, transgender and intersex people

Civil society organizations reported hate crimes against LGBTI people, including murder and rape.

The commission of the Chamber of Deputies which analyzed the draft law on sexual and reproductive health removed proposed sanctions for discrimination in access to health care on grounds of sexual orientation and gender identity. The law was pending discussion at the end of the year.

1. “Without papers, I am no one”: Stateless people in the Dominican Republic ([AMR 27/2755/2015](#))
2. Dominican Republic: Authorities must investigate xenophobic violence ([AMR 27/1449/2015](#))
3. Dominican Republic officially resumes deportations amid concerns for Dominicans of Haitian descent ([AMR 27/2304/2015](#))

4. Dominican Republic takes women's rights back to 1884 ([News story, 3 December](#))