

# DOMINICAN REPUBLIC

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## Dominican Republic

Head of state and government: **Danilo Medina Sánchez**

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**The number of killings by police rose again. Most people of Haitian descent remained stateless following a September 2013 judgement by the Constitutional Court. Violence against women and girls remained widespread. Parliament failed to adopt legislation that could have advanced the protection of the rights of women and girls.**

## BACKGROUND

In September 2013, the Constitutional Court issued a widely criticized judgement (TC 0168-13) which had the effect of retroactively and arbitrarily depriving Dominicans of foreign descent born between 1929 and 2010 of their Dominican nationality; the vast majority of those affected were of Haitian descent. This sparked an outcry at national and international levels, including by the Haitian authorities. As a consequence, the Dominican Republic and Haiti held a number of high-level bi-national meetings to discuss several issues of common interest, including migration and nationality.

The first Human Rights Ombudsman was appointed in May 2013, 12 years after the institution was established by law. However, a number of human rights organizations filed an appeal with the Constitutional Court challenging the constitutionality of the appointment. A ruling was pending at the end of 2014. The Ombudsman dealt with a number of cases, but failed to carry out a public information campaign about her Office's role.

In June, the UN Human Rights Council examined the Dominican Republic's

human rights record under the Universal Periodic Review.

## POLICE AND SECURITY FORCES

The police continued to kill large numbers of people, often in circumstances suggesting that the killings may have been unlawful. Between January and June, the number of killings increased by 13% compared with the same period in 2013.<sup>1</sup> Allegations of torture and other ill-treatment by the police continued to be reported.

Although the Dominican Republic adopted the UPR recommendations aimed at expediting a comprehensive reform of the police, the adoption of a law reforming the police was not finalized. The National Security Plan, which was formally launched in March 2013, was not made public and there were no progress reports on its implementation.

## IMPUNITY

Many police officers alleged to have committed abuses were not brought to justice despite compelling evidence. The authorities failed to investigate the 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.

The Office of the Prosecutor General reopened the investigation into the disappearance of Narciso González following a 2012 ruling by the Inter-American Court of Human Rights establishing the responsibility of the state. However, no significant progress had been made by the end of 2014.

## DISCRIMINATION - DOMINICO-HAITIANS

A law introduced into Parliament by the President in response to the debate sparked by Constitutional judgement TC 0168-13 was adopted in May 2014 (Law 169/14). However, the law failed to provide for Dominican nationality to be automatically restored to those who had it under the domestic legal system in force between 1929 and 2010.<sup>2</sup>

In particular, the law established that those who had been registered at some point in the Dominican civil registry (group A) could access Dominican nationality after undergoing a process of regularization by the Central Electoral Board. However, the law obliges those who were never registered (group B) to undergo a lengthy process that requires them to register as foreigners, participate in the National Regularization Plan for Foreigners with Irregular Migration Status and then apply for naturalization two years later. Poor implementation of the law meant that only a minority of those belonging to group A were able to have their Dominican nationality recognized and only a few of those in group B were able to be registered. As a consequence, thousands of Dominicans of Haitian descent remained stateless and continued to be prevented from exercising their human rights. In October, the Inter-American Court of Human Rights found that judgement TC 0168-13 and part of Law 169-14 violated the American Convention on Human Rights.<sup>3</sup>

In November, the Constitutional Court issued a judgement declaring the state's acceptance of the jurisdiction of the Inter-American Court of Human Rights invalid.<sup>4</sup>

The Dominican authorities rejected all the recommendations to guarantee the right to a nationality and to adopt measures to identify, prevent and reduce statelessness.

## **MIGRANTS' RIGHTS**

In December 2013, the government launched the National Regularization Plan for Foreigners with Irregular Migration Status. Following a first preparatory phase, the second phase of the plan started on 1 June 2014, giving migrants 12 months to apply for regularization. By 30 September only 200 out of the 68,814 people who applied had been regularized. According to migrants' rights organizations, the small number was due to migrants facing difficulties in gathering the required, and costly, documentation and to the inadequate processing of applications by

public officials, especially in the initial stages of the process.

The decree launching the National Regularization Plan banned the deportation of migrants who had applied for regularization. However, despite this, Dominican human rights organizations continued to report arbitrary mass repatriations throughout the year.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In the first six months of 2014, the number of gender-based killings increased by 53% compared with the same period in 2013. The Office of the Prosecutor General reported a substantive increase in the number of convictions in cases of gender-based violence and in July adopted a protocol for the investigation of gender-based killings. Women's rights groups continued to criticize the lack of coordination among relevant national institutions, the inadequacy of the budget allocated to preventing and punishing gender-based violence, and the failure to implement the agreed protocols for the provision of care to victims of gender-based violence. Parliament had yet to adopt a comprehensive law to prevent and address violence against women which had been approved by the Senate in 2012.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In September, the Lower Chamber started considering a draft law on sexual and reproductive health, which had been drafted with the participation of women's rights groups.

Following a veto by the President of the Republic on the proposed reform of the Criminal Code, which maintained full criminalization of abortion, on 16 December the Congress adopted amendments decriminalizing abortions where pregnancy posed a risk to the life of a pregnant woman or girl, in cases where the foetus would be unable to survive outside the womb, and in cases where the pregnancy was the result of rape or incest. The reform of the Criminal

Code was enacted on 19 December and is supposed to enter into force within a year.<sup>5</sup>

## HOUSING RIGHTS - FORCED EVICTIONS

Local NGOs continued to report cases of forced evictions and excessive use of force by police in some instances.

The latest version of the proposed amendments to the Penal Code criminalized the occupation of private property, sparking concerns that, if adopted, these provisions could be used to legitimize forced evictions.

1. Dominican Republic: Killings at the hands of the police rise while reforms stall (Press release)  
[www.amnesty.org/en/for-media/press-releases/dominican-republic-killings-hands-police-rise-while-reforms-stall-2014-08-0](http://www.amnesty.org/en/for-media/press-releases/dominican-republic-killings-hands-police-rise-while-reforms-stall-2014-08-0)
2. Dominican Republic: Open letter to President Danilo Medina regarding Law 169/14 "establishing a special regime for people who were born in the national territory and irregularly registered in the Dominican Civil Registry and on naturalization" (AMR 27/008/2014)  
[www.amnesty.org/en/library/info/amr27/008/2014/en](http://www.amnesty.org/en/library/info/amr27/008/2014/en)
3. Dominican Republic: Reaction to Court ruling shows shocking disregard for international law (Press release)  
[www.amnesty.org/en/for-media/press-releases/dominican-republic-reaction-court-ruling-shows-shocking-disregard-internati](http://www.amnesty.org/en/for-media/press-releases/dominican-republic-reaction-court-ruling-shows-shocking-disregard-internati)
4. Dominican Republic: Withdrawal from top regional human rights court would put rights of hundreds of thousands at risk (Press release)  
[www.amnesty.org/en/for-media/press-releases/dominican-republic-withdrawal-top-regional-human-rights-court-would-put-rig](http://www.amnesty.org/en/for-media/press-releases/dominican-republic-withdrawal-top-regional-human-rights-court-would-put-rig)
5. Dominican Republic: Proposed reform puts women and girls at risk (AMR 27/016/2014)  
[www.amnesty.org/en/library/info/AMR27/016/2014/en](http://www.amnesty.org/en/library/info/AMR27/016/2014/en) Dominican Republic: Further information: President vetoes full ban on abortion (AMR 27/018/2014)  
[www.amnesty.org/en/library/info/AMR27/018/2014/en](http://www.amnesty.org/en/library/info/AMR27/018/2014/en) Dominican Republic decriminalizes abortion (AMR 27/020/2014)  
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# ECUADOR

## Republic of Ecuador

Head of state and government: **Rafael Vicente Correa Delgado**

**Human rights defenders and government critics continued to be attacked and discredited. The right of Indigenous Peoples to consultation and to free, prior and informed consent was not fulfilled.**

## BACKGROUND

Mass protests in opposition to government policies remained common. In July, Indigenous groups marched to the capital Quito to protest against the approval of a new law regulating water resources, which they claimed did not address all of their concerns.

In November 2013, the National Court upheld a ruling against US oil company Chevron for environmental damage. The court ruled that Chevron was liable to pay over US\$9.5 billion to the Amazon Indigenous communities affected. In March, following a lawsuit filed by Chevron in the USA, a federal court blocked US courts from being used to collect the amount granted for rainforest damage, stating that the Ecuadorean court judgment was obtained by corrupt means. In October, victims of Chevron's environmental damage sued the company's directors before the International Criminal Court.

Sixty people, including six police officers accused of attempting to kill the President, were convicted of involvement in police protests over pay cuts in 2010, which were regarded by the government as an attempted coup. Another 36 were acquitted.

## HUMAN RIGHTS DEFENDERS

Human rights defenders continued to be attacked and discredited.

The Indigenous and environmental rights organization Fundación Pachamama remained closed, having been shut down