

Universal Periodic Review
(18th session, January – February 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III F, J, K, and P)

Dominican Republic

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratified 30/08/1977	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 12/02/1985			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 02/10/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 24/09/2009			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P
Right to education

Normative Framework:

2. Constitutional framework: A new Constitution was adopted on January 26th, 2010¹, which recognizes in **Article 63** the right to quality education. This Article recognizes parents' right to choose the form of education for their children. It establishes free and compulsory public education at the initial, basic and secondary levels. This Article also promotes teachers' career and teachers' dignity. According to this Article the State shall eradicate illiteracy and ensure education for people with disabilities. It ensures the autonomy of universities. Finally it ensures freedom of education and allows the establishment of private education institutions. **Article 65** ensures physical education and the right to recreation. Moreover, **Article 39** enshrines the principle of equality among Dominican citizens and non-discrimination founded on gender, colour, age, disability, nationality, family relations, language, religion, political or philosophical opinion, social or personal condition. **Article 58** especially protects the human rights and fundamental freedoms of persons with disabilities.

3. **The Constitution of 1966 guarantees the principal components of the Right to Education.** Indeed, according to article 8, the effective protection of the rights of the human person is recognized as the principal aim of the State. Furthermore, it is stated that elementary education is compulsory and both elementary and secondary education, as well as that offered in agricultural, vocational, art, commercial, manual arts, and home economics schools, are free. In compliance with the same article, it is the duty of the State to provide a basic education to all inhabitants of the national territory and to take the necessary steps to eliminate illiteracy. The Constitution not only guarantees the rights of citizens, but also defines their fundamental duties. According to article 9, it is the duty of all persons who inhabit the territory of the Dominican Republic to attend the educational institutions of the Nation in order to acquire, at least, an elementary education.

4. Legislative framework: As regards the legal framework, the right to education is enshrined in the **Organic Law of Education No. 66 of 1997** (*Ley Orgánica de Educación de la República Dominicana*)². The Law provides that secondary education is free, but not compulsory.

5. **Article 1** of this Law defines education as a permanent and inalienable right. In order to make effective its fulfilment, every person has a right to an integral education which permits the full development of its human personality and the achievement of a socially useful activity. Education shall be provided in accordance with individual vocation and without discrimination based on any ground.

6. **Article 4** adds that students have a right to a suitable education free of charge. This provision also applies to highly gifted children, handicapped people and students with learning difficulties who must receive special education. Regarding the fundamental aim of the State to

¹ <http://latindispatch.com/wp-content/uploads/2010/02/Constitucion.pdf>

² http://www.oas.org/juridico/spanish/mesicic2_reptom_sc_anexo_7_sp.pdf

promote the common good, one of its duties is to offer education free of charge at preschool, basic and secondary levels. This article also promotes respect for human rights; freedom of parents to choose the form of education for their children and the principle of equal opportunities in education. Moreover, this Article recognizes the importance of good nutrition and health for better results in education.

7. **Article 6** establishes the promotion of equal educational opportunities and equity in the provision of educational services.

8. According to **Article 7**, education is a common good, and therefore has to provide the highest level of relevance, quality and efficiency in order to ensure the right for everybody to participate with equal opportunities in national life.

9. **Article 9(d)** establishes that the State shall grant free education so that everyone has equal opportunities to access public school at all levels.

10. According to **Article 33**, initial education lasts until six years of age. The ultimate year of initial education is compulsory and free.

11. **Article 35** provides that basic education starts at six years of age, is free and compulsory. **Article 37** adds that basic education lasts eight years.

12. **Article 40** provides for secondary education. However, there is no provision granting free and compulsory secondary education.

13. **Articles 48 and 49** establish specific provisions for special education and **Article 51 to 53** for adults' education.

14. *Title III* especially deals with Education quality.

15. With regard to the financing of education, **Article 197** states that annual public expenses in education shall reach [...] a minimum of 16% of total public expenses or 4% of the GDP estimated for the current year.

16. The following are ordinances that further structure the regime of the national education system:

- i. Ordinance 2-93, through which the Education National Council regulates the national final exams of secondary education.
- ii. Ordinance 1-95, which establishes secondary education curriculum.
- iii. Ordinance 1-95, which establishes curriculum for initial, basic, secondary, special and adults' education.
- iv. Ordinance 1-96, through which the evaluation system of the initial, basic, secondary, special and adults' education curriculum was established.
- v. Ordinance 1-97, which sets the curriculum of the professionalization program for qualified teachers.

vi. Ordinance 2-97, which establishes the curriculum of initial training for basic education teaching staff.

17. Compulsory education and school attendance: According to Article 33 of the Organic Law of Education No. 66 of 1997, initial education lasts until six years of age. The ultimate year of initial education is compulsory and free. Article 35 provides that basic education starts at six years of age, and is free and compulsory. Article 37 adds that basic education lasts eight years. However, there is no provision granting free and compulsory secondary education.

18. Non-discrimination and gender equality: According to a study, implemented by the organization *Acción Femenina* (CIPAF) for the Gender and Development Department of the Ministry of Education in the framework of the Multiphase Programme for Equity in Basic Education (*Programa Multifase para la Equidad de la Educación Básica*), “Dominican schools continue to place emphasis on values that promote girls submission and aggression of males”, i.e. traditional model of education continues to reproduce sexism.³

19. Teachers: Article 63 of the Constitution promotes teachers' career and teachers' dignity and ordinance 1-97, sets the curriculum of the professionalization program for qualified teachers.

Policy measures:

20. Major policy measures: The Ten-Year Plan of Education 2008-2018 in favour of education excellence (*Plan decenal de educación 2008-2018: un instrumento de trabajo en procura de la excelencia educativa*)⁴ aims to promote a more competitive education system of better quality. Its mission is to be in conformity with the General Law on Education in order to ensure the right to education to everyone. This plan promotes various values such as equity, equality of opportunities, respect of dignity, equality between men and women, etc. Within the plan, ten education policies are elaborated which promote the mobilization of private and public wills in order to ensure that five-year old children receive one year of initial education and eight years of basic inclusive and quality education; the improvement of the secondary and adult education system; the integration of ICT in Education; the establishment of quality standards within the evaluation education system; the participation of the community, families, and NGOs in the elaboration of education policies, equity and support of vulnerable students; etc.

21. The 2021 Educational Goals (*Las metas educativas 2021: La Educación que queremos para la Generación de la Bicentenarios*)⁵ were approved in 2010. They emanated from the 18th Iberoamerican Conference on Education. After this Conference, the Dominican Republic organized a National consultation to promote participation, social reflection and collective discussion in order to reach the highest social and political agreement within the country. To this end, consultative boards were also created to ensure debates on different topics, such as early childhood, literacy, ICT, etc. *Las metas educativas 2021* are therefore a compilation of the

³ <http://www.barahonero.com/2011/05/estudio-revela-que-escuelas-dominicanas.html>;
<http://www.educacionsinfronteras.org/files/732949>.

⁴ http://planipolis.iiep.unesco.org/upload/Dominican%20Republic/Dominican%20republic_Plan_Decenal_2008-2018.pdf

⁵ <http://www.oei.es/metast2021/metast2021dom.pdf>

consultative boards' works. They develop various goals, such as: ICT in Education, Quality and Equity in Education, Education evaluation, Technical and Vocational Education and Training, Strengthening Teachers' Status, Artistic Education, Literacy and Basic Education of Youth and Adults, etc.

Cooperation:

22. The Dominican Republic is party to the 1960 UNESCO Convention against Discrimination in Education since 1977.

23. The Dominican Republic reported within the framework of the Sixth and Eighth Consultations of Member States on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education (covering the periods 1994-1999 and 2006-2011). However, it did not report within the framework of the Seventh Consultation of Member States (covering the period 2000-2005).

24. The Dominican Republic did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

25. The Dominican Republic reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

26. The Dominican Republic is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

27. Constitutional and Legislative Framework: The 2010 Constitution of the Dominican Republic guarantees the freedom of expression and information through Article 49.

28. A freedom of information law exists in the Dominican Republic since 2004.

29. Defamation remains criminalized under Article 361 of the Penal Code of the Dominican Republic and the Press Law (No. 6132) also contain provision for criminal penalties. In 2013, the Justice Committee of the Dominican Republic Chamber tabled a new draft Penal Code law which removes imprisonment as a penalty for defamation.

30. Media Self-Regulation: Media self-regulatory mechanisms do not exist in the Dominican Republic.

31. Safety of Journalists: UNESCO recorded the killing of journalist José Agustín Silvestre killed on 2 August 2011⁶. The Director-General of UNESCO condemned the killing and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO.

Right to development and environmental issues⁷

Co-operation

32. The Dominican Republic is a Small Island Developing State (SIDS) where the impact of climate change has the potential to be devastating for the environment and for local communities. In addition, the urgency for development is contradictory to the care for the ecosystems that distinguish the Latin America and the Caribbean in general and the Dominican Republic in particular. This can generate serious social conflict. The Dominican Republic takes part in the activities of UNESCO related to training of media workers and journalists on issues related to the environment with the use of the UNESCO Model Curricula for Journalism Education. UNESCO implemented recently the project on Youth Development and Violence Prevention for the Dominican Republic in Santo Domingo. The office of the Global Foundation Democracy and Development (FUNGLODE) was established at the UNESCO Headquarters aiming to develop training and research in social and human sciences, in particular through its Global Institute of Advanced Studies in Social Sciences, in the activities of which the Dominican Republic is closely associated. The Dominican Republic ALSO co-operates with UNESCO in the area linked with Tsunami Public Awareness and Education.

33. The Dominican Republic shares with Haiti the Caribbean island Hispaniola which supports the largest human population (15 million) of any single West Indian island. Even as a single island, Hispaniola alone genuinely reflects the Caribbean microcosms of cultural, social, political, economic and language dissimilarities that characterize the region's history, with resulting fragmentation of their societies. However, both countries originally shared the same biodiversity, the same ecological nature, the same island ecosystem. Due to the difference in the management regimes in the two countries over centuries, the status of biodiversity and range of ecosystem services available in the Dominican Republic is much better than in Haiti, and this in itself can lead to migratory pressure from across the border. They also share the adverse effects of natural disasters that occur not uncommonly in the region (e.g. hurricanes, earthquakes, floods), causing considerable economic losses and human mortality in both countries, but more in Haiti due to its denuded hillsides and weaker infrastructure. The vulnerability of local economies and populations to the effects of tropical storms (which have increased in frequency and intensity

⁶ Based on the UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity 2012 (available at

<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/FED/Safety%20Report%20by%20DG%202012.pdf>) and the UNESCO's Director-General's public statements of killings of journalists (www.unesco.org/webworld/condemnation)

⁷ http://portal.unesco.org/science/en/ev.php-URL_ID=5749&URL_DO=DO_TOPIC&URL_SECTION=201.html.

during the last decades) is often aggravated by the reduced security of natural buffers due to mismanagement of coastal areas and watersheds.

34. UNESCO supports interaction among scientists and decision-makers in elaboration and implementation of development projects and programmes in both countries – the Dominican Republic and Haiti, in response to increasingly demanding socio-economic pressures by urban and rural populations. A category 2 centre under the auspices of UNESCO, the Centre for the Sustainable Management of Water Resources in the Caribbean Island States, is actively working to improve water management and empower women as water managers. National environmental strategies providing a policy-institutional framework for biodiversity conservation and sustainable development are still lacking, although the fourth CBD national reporting demonstrates that this is being addressed. Reliable ecological assessments are an important component of ecosystem management implementation strategies. Local resources and capacities are, however, limited. Comprehensive, area-specific marine management and planning are essential for maintaining the long-term ecological integrity as well as productivity and economic benefit of coastal regions. There are numerous inland areas protected as national parks for watershed and habitat, and at least one marine protected area. The following should be considered as priority needs and actions: development of national sustainable development strategies and policies addressing the existence of bi-national considerations; strengthening of environmental legislation and policies; establishment of legal advisory and enforcement capacity on environment; building the capacities of institutions and professionals; promotion of broad participation, constituency building, and education on conservation and resource management; preparation of land management plans; realization of coastal-marine environment baseline studies; preparation and/or strengthening of ICM plans; adoption and application of ecosystem principles to management and policy; implementation of environmental impact assessment procedures; development and implementation of water resources assessments, watershed protection, water management plans; improvement of sewerage and water treatment technology and regulations; development and implementation of effective pollution control and monitoring; control of beach erosion; reduction of sand use in construction; improvement of fishery and other marine resource surveys, assessments and management plans, including those concerning endanger red species.

Cultural rights

35. Normative Framework: The Constitution of the Dominican Republic provides that the State should disseminate science and culture as much as possible to guarantee that all citizens benefit from the results of scientific and moral development (Article 8.16), and that all cultural heritage in the country is national heritage that the State must safeguard, conserve and protect (Article 101). According to Article 7, the dissemination of cultural and religious traditions of the Dominican communities along the border with Haiti is a high priority. A new Patronage Law on fiscal measures aimed at increasing the contribution of the private sector to the development of cultural industries has been prepared, considering the importance of the contribution of culture to the country's GDP.

36. Institutional framework: The Ministry of Culture is in charge of developing and applying policies, plans, programmes and projects for cultural development. It coordinates the establishment of a national cultural framework to support the development of activities that contribute to the strengthening and the evolution of the cultural identity of the nation.

37. Policy measures: Policy priorities are grouped around four themes: i) institutional development, ii) protection and preservation of tangible and intangible heritage, iii) support of the arts and the artists, development of cultural industries to strengthen economic development, and iv) promotion of the values of identity, pluralism and diversity as basis for cultural citizenship. According to figures published by the Economic Council of Latin America and the Caribbean, the Dominican Republic invests more than 1% of its GDP in culture. The new Minister of Culture (2012) has announced a number of main lines of action, which include i) the implementation of cultural policies in synergy with the ministries of tourism, education and the environment, ii) the creation of ‘cultural villages’ across the country to allow cooperation between local authorities, tourist companies, local communities and creators, iii) the promotion of training in arts and culture and art education. Though the policy priorities reflect genuine efforts to implement UNESCO conventions, the institutional structure is fragmented, with several departments working on similar issues, thereby limiting the capacity to achieve effective results.

38. Work with civil society: In addition to the cultural villages’ actions, priority is given to creative industries by supporting the production of literature, theatre, dance and, especially, music. A major non-governmental player in the cultural field is the Foundation for Global Democracy and Development (FUNGLODE), which finances many activities both at national and at regional level. Participation of the private sector is facilitated through tax benefits (Cinema Law).

III. RECOMMENDATIONS

Right to education

39. The Dominican Republic should be encouraged to submit state reports for the periodic consultations of UNESCO’s education-related standard-setting instruments.

40. The Dominican Republic should be encouraged to continue providing access to quality education without discrimination for the school age population throughout the country.

41. The Dominican Republic should be encouraged to intensify programmes of human rights education with a view to eliminating discriminative practices and to ensuring inclusive education and gender equality.

42. The Dominican Republic could be encouraged to continue strengthening the good educational policy with a view to ensuring the full school enrolment of children, especially those who are excluded from the education system.

Freedom of opinion and expression

43. Dominican Republic is encouraged to continue with its positive move to decriminalize defamation in line with international standard.

44. Dominican Republic is encouraged to promote awareness about the freedom of information law and strengthen its implementation..

45. UNESCO recommends the development of self-regulatory mechanisms of the media in Dominican Republic.

46. Dominican Republic must ensure that journalists and media workers are able to practice their profession in a free and safe environment as part of their fundamental human rights.

Right to development and environmental issues

47. With regard to contribution of science and technology to development, Dominican Republic is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

Cultural rights

48. Dominican Republic is encouraged to develop public policies aimed at strengthening capacities of local cultural managers and communities to ensure a more effective contribution of culture to human and economic development.

49. Dominican Republic is encouraged to promote domestic cultural diversity and enhance awareness of its contribution to social cohesion and conflict resolution, in particular among youth.