



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the fourth periodic report of the Dominican Republic*

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of the Dominican Republic (E/C.12/DOM/4) at its 63rd and 64th meetings (E/C.12/2016/SR.63 and SR.64), held on 27 and 28 September 2016. At its 79th meeting, held on 7 October 2016, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of the Dominican Republic and the State party's written replies to the list of issues (E/C.12/DOM/Q/4/Add.1). The Committee wishes to express its appreciation for the open and constructive dialogue held with the high-level delegation of the State party.

B. Positive aspects

3. The Committee welcomes the State party's ratification of, or accession to, the following international instruments:

(a) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 24 January 2012;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 21 September 2016;

(c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 14 October 2016.

4. The Committee welcomes the adoption of:

(a) Act No. 5-13 on disability of 8 January 2013;

(b) Act No. 1-12 on the National Development Strategy 2030 of 12 January 2012;

(c) Act No. 135-11 on HIV/AIDS of 10 May 2011;

* Adopted by the Committee at its fifty-ninth session (19 September to 7 October 2016).



- (d) The National Human Rights Plan 2015-2020.

C. Principal subjects of concern and recommendations

Justiciability of the Covenant rights

5. While noting that, in accordance with article 74 of the Constitution, the Covenant is of constitutional rank and is directly applicable, the Committee finds it regrettable that no information has been provided on examples of cases in which Covenant rights have been invoked before domestic courts or directly applied by them. The Committee is also concerned that the enjoyment of Covenant rights and access to regional human rights protection mechanisms have been adversely affected by some recent decisions of the Constitutional Court, such as ruling TC/0168/13, which stripped persons of Haitian descent of their Dominican nationality, and ruling TC/0256/14, by which the instrument used by the State party to recognize the competence of the Inter-American Court of Human Rights was declared to be unconstitutional.

6. **The Committee recommends that the State party take the necessary steps to promote the applicability of all the rights enshrined in the Covenant at all levels of the justice system. It urges the State party to provide training on the substantive aspects of the Covenant rights and on the possibility of invoking them in court, particularly to judges, including those of the Supreme Court and the Constitutional Court, and to members of Congress, law enforcement officials and other persons responsible for the implementation of the Covenant. The Committee recommends that the State party take the necessary steps to ensure that all judicial decisions duly uphold human rights, including economic, social and cultural rights, and to remedy the effects of Constitutional Court rulings TC/0168/13 and TC/0256/14. It also encourages the State party to conduct campaigns to raise awareness among rights holders. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.**

Cooperation with civil society organizations

7. The Committee is concerned that the State party does not have appropriate mechanisms for ensuring effective cooperation with civil society organizations in the promotion of the full realization of economic, social and cultural rights.

8. **The Committee recommends that the State party redouble its efforts to engage in constructive cooperation with civil society organizations in order to ensure active, open and transparent participation in public life and that it establish appropriate mechanisms for consultations regarding the dissemination of the present concluding observations at the national level and the preparation of its next periodic report.**

Human rights defenders

9. While welcoming the delegation's statements regarding recognition for the work of human rights defenders, the Committee is concerned by reports of assaults and reprisals against human rights defenders, including defenders of economic, social and cultural rights.

10. **The Committee recommends that the State party adopt effective measures on a timely basis to prevent acts of violence against all human rights defenders, protect their lives and ensure their personal safety. It also recommends that the State party carry out thorough, transparent investigations into all cases of violence against human rights defenders and that it punish those responsible appropriately. The Committee encourages the State party to conduct campaigns to raise awareness of the importance of the work carried out by human rights defenders with a view to fostering a climate**

of tolerance in which they can perform their work free of any type of intimidation. In that regard, it refers the State party to the Committee's statement on human rights defenders and economic, social and cultural rights (E/C.12/2016/2).

Independence of the judicial system

11. The Committee is concerned about the lack of effective guarantees of judicial independence in the State party. It is particularly concerned at the fact that the composition of the National Council of the Judiciary is not such as to guarantee that the selection and appointment process will effectively ensure the independence, ability and integrity of high court judges (art. 2 (1)).

12. The Committee recommends that the State party take all necessary steps to ensure that judges, including high court judges, are selected and appointed in a transparent and objective manner by an independent body on the basis of merit, ability and integrity. The Committee urges the State party to take the necessary steps to guarantee the independence and security of tenure of the judiciary as a means of safeguarding the enjoyment of human rights, including economic, social and cultural rights.

Ombudsman's Office

13. While noting the existence of the Ombudsman's Office, the Committee is concerned that the Office does not have the requisite capacity or independence to effectively carry out its mandate for the promotion and protection of human rights, including economic, social and cultural rights, and that it has not been accredited as complying with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2 (1)).

14. The Committee recommends that the State party adopt the legislative and administrative measures needed to ensure that the Ombudsman's Office has the necessary authority and resources to comply fully with the Paris Principles and that it can therefore effectively carry out its mandate to promote and protect human rights, including economic, social and cultural rights. The Committee encourages the State party to ensure that the Ombudsman's Office applies for accreditation from the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (formerly the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights).

Corruption

15. While noting the information provided by the delegation on efforts to prevent corruption, the Committee is concerned that these efforts are not effective enough and finds it regrettable that it has received no information on acts of corruption that have been investigated and whose perpetrators have been punished (art. 2 (1)).

16. The Committee recommends that the State party address, as a matter of priority, the underlying causes of corruption and that it adopt all necessary legislative and administrative measures to ensure transparency in public administration and to combat corruption effectively. It also recommends that the State party undertake independent, thorough investigations into all cases of corruption at all levels and that it publish its findings.

Fiscal policy and investment in social spending

17. While noting that raising tax revenues is one of the priorities set out in the National Development Strategy 2030, the Committee is concerned that tax revenue and social

spending are very low in relation to the State party's level of development and that the tax system cannot be used to reduce the high level of inequality because it essentially relies on indirect taxes and provides for many unjustified exemptions. The Committee finds it regrettable that insufficient disaggregated information has been provided on social spending (art. 2 (1)).

18. **The Committee recommends that the State party strengthen its efforts to ensure that its tax policy is effective, progressive and socially just with a view to combating economic inequalities and increasing the availability of resources for the realization of economic, social and cultural rights. The Committee urges the State party to make a determined effort to combat tax evasion and tax fraud. It also recommends that both fiscal policy reforms and budget allocation procedures be conducted in a transparent and participatory manner.**

Legal framework for combating discrimination

19. The Committee finds it regrettable that the State party does not have a comprehensive legal framework for combating discrimination, although it welcomes the commitment made by the delegation to give priority to the discussion of the bill on equality and non-discrimination drafted by the National HIV/AIDS Council (art. 2).

20. **The Committee recommends that the State party expedite the discussion and adoption of the bill on equality and non-discrimination, which should guarantee effective protection against discrimination and, inter alia:**

- (a) **Explicitly include all the prohibited grounds of discrimination listed in article 2 of the Covenant, bearing in mind the Committee's general comment No. 20 (2009) on non-discrimination and economic, social and cultural rights;**
- (b) **Define direct and indirect discrimination in a manner that is conducive to the fulfilment of the obligations incumbent upon the State party;**
- (c) **Prohibit discrimination in both the public and the private spheres;**
- (d) **Incorporate provisions under which redress is to be granted in cases of discrimination, including through judicial and administrative procedures.**

Discrimination against persons of Haitian origin

21. The Committee finds it regrettable that the State party has not acted upon its previous recommendation on this subject (E/C.12/DOM/CO/3, para. 11) and remains concerned over the continued discrimination faced by Haitians and persons of Haitian descent in the State party. Moreover, the Committee finds it regrettable that, pursuant to Constitutional Court ruling TC/0168/13, persons of Haitian descent who were born in the State party and have lived there for decades have retroactively been deprived of their nationality. While noting the adoption of Act No. 169/14, which establishes a regime for the regularization and naturalization of the persons affected by the ruling, the Committee is concerned that a significant number of persons of Haitian descent are stateless, which limits their effective exercise of their economic, social and cultural rights (art. 2).

22. **In the light of its previous recommendation on the subject (E/C.12/DOM/CO/3, para. 11), the Committee urges the State party to:**

- (a) **Adopt all necessary legislative and administrative measures to combat all forms of discrimination that cause or perpetuate formal or de facto discrimination against Haitians and Dominicans of Haitian descent;**
- (b) **Adopt such measures as may be necessary to ensure that ruling TC/0168/13 ceases to have any legal effect and ceases to result in the deprivation of**

persons of Haitian descent of their economic, social and cultural rights and, to that end, consider amending the constitutional provisions that provided the basis for that ruling;

(c) **Ensure the restoration of nationality to all individuals to whom the ruling applies and eliminate excessive procedures and requirements for the recovery of nationality;**

(d) **Adopt the necessary measures to prevent and reduce statelessness and consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Racial discrimination

23. While noting the explanations provided by the delegation with regard to the multi-ethnic and multicultural composition of the State party, the Committee is concerned about the persistent racial discrimination faced by persons of African descent and finds it regrettable that the State party does not have disaggregated statistics that could serve as a basis for an objective assessment of the effective enjoyment of economic, social and cultural rights by persons of African descent (art. 2).

24. **The Committee recommends that the State party take the necessary steps to prevent and combat persistent discrimination against persons of African descent, including through awareness-raising campaigns. It urges the State party to develop a data-collection methodology that takes into account the multi-ethnic composition of the population and incorporates an ethnic variable based on the criterion of self-identification for use in defining effective policies that include affirmative action measures for achieving the full realization of the Covenant rights of persons of African descent.**

Discrimination on the grounds of sexual orientation and gender identity

25. The Committee is concerned at the persistence of discrimination on the grounds of sexual orientation and gender identity, which prevents lesbian, gay, bisexual and transgender persons from effectively enjoying their economic, social and cultural rights. In particular, the Committee is concerned by the fact that transgender women are subjected to violence, including by law enforcement officials (art. 2).

26. **The Committee recommends that the State party adopt a policy that fully addresses discrimination on the grounds of sexual orientation and gender identity and that it remove any provision from its legal order that may have a discriminatory effect on the basis of sexual orientation or gender identity and may prevent the full enjoyment of economic, social and cultural rights by lesbian, gay, bisexual and transgender persons.**

Equality between men and women

27. Despite the measures adopted by the State party to promote equality between men and women, the Committee is concerned that gender stereotypes are widespread and remain deeply rooted in the family and in society. It is further concerned that, despite the progress made through the implementation of a quota system, women remain underrepresented in decision-making positions in both the public and private spheres (art. 3).

28. **The Committee recommends that the State party:**

(a) **Take effective steps to dispel gender stereotypes in the family and in society, including through information campaigns designed to promote the sharing of family responsibilities by men and women and to make people aware of equal job**

opportunities to which they can gain access by completing their studies and by seeking training in areas other than those traditionally associated with one sex or the other;

(b) **Intensify its efforts to increase women's representation at all levels of public administration, particularly in decision-making positions, and to promote their participation in management roles in the private sector.**

29. **The Committee refers the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Unemployment and underemployment

30. The Committee is concerned at the high rates of unemployment and underemployment in the State party and at the large number of workers employed in the informal economy who are not covered by labour laws or the social protection system (arts. 6, 7 and 9).

31. **The Committee recommends that the State party:**

(a) **Step up its efforts to reduce the unemployment and underemployment rates, in part through the design of a comprehensive employment policy that includes an action plan containing specific targets and focusing primarily on the groups most at risk of unemployment and underemployment, such as young people, women and persons with disabilities;**

(b) **Ensure that workers in the informal economy fall within the scope of application of labour laws and the social protection system and adopt all necessary measures to progressively reduce the number of workers in this sector of the economy by integrating them into the formal economy.**

Minimum wage

32. The Committee is concerned about the fact that the minimum wage is insufficient to ensure a decent standard of living for workers and their families and that no information has been provided on any mechanisms for the effective enforcement of the minimum wage (art. 7).

33. **With reference to its previous recommendation on the subject (E/C.12/DOM/CO/3, para. 16), the Committee urges the State party to adopt the necessary legislative and administrative measures to ensure that all workers receive a minimum wage that enables them to have decent living conditions for themselves and their families. The Committee recommends that the State party take specific steps, including by means of labour inspections, to effectively enforce the minimum wage and that it impose appropriate penalties in cases of non-compliance by employers.**

Equitable and satisfactory working conditions

34. The Committee notes with concern that the working conditions of women in certain sectors, such as free trade zones and the agricultural and domestic service sectors, remain substandard, as women in those sectors continue to receive low wages, to have little job security, to work in unsafe and unsanitary conditions and to be at risk of exploitation and abuse. The Committee is further concerned about the significant gender pay gap (art. 7).

35. **The Committee recommends that the State party:**

(a) **Take the necessary steps to ensure that women enjoy fair, equitable working conditions, especially in free trade zones, the agricultural sector and domestic service sector;**

(b) **Set up a labour inspection mechanism with sufficient material, technical and human resources to effectively monitor working conditions in all sectors;**

(c) **Establish effective mechanisms for reporting any sort of abuse or exploitation of workers, while devoting particular attention to the situation of women employed in free trade zones, the agricultural sector and domestic service sector;**

(d) **Guarantee, in both law and in practice, equal pay for work of equal value for men and women in accordance with article 7 (a) (i) of the Covenant.**

36. The Committee takes note of the State party's efforts to prevent sexual harassment in the workplace; however, it is concerned by the fact that many women continue to be victims of such harassment and do not have adequate protection (art. 7).

37. **The Committee urges the State party to take all appropriate steps to combat sexual harassment by, inter alia, incorporating provisions on sexual harassment in the workplace into its Criminal Code, ensuring that victims have access to justice and adopting measures to provide adequate protection to victims.**

38. **The Committee wishes to draw the State party's attention to its general comments No. 18 (2005) on the right to work and No. 23 (2016) on the right to just and favourable conditions of work.**

Trade union rights

39. The Committee is concerned that the right to collective bargaining and the right to strike are limited by excessive legal requirements, such as the requirement regarding a trade union's representation of a majority of workers in a given firm or branch of activity (art. 8).

40. **The Committee urges the State party to bring its legislation on trade union rights into line with article 8 of the Covenant and with the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98). It also urges the State party to protect trade union rights, effectively investigate all reports of violations of trade union rights that are brought to its attention and establish appropriate compensation for the workers concerned.**

Social security

41. While it acknowledges the efforts made by the State party to strengthen its social protection system, including through the establishment of the Progress with Solidarity conditional cash transfer programme, the Committee remains concerned at the fact that the social protection system still provides quite limited coverage and does not ensure an appropriate level of protection for the entire population (art. 9).

42. **The Committee urges the State party to pursue its efforts to develop a social security system that guarantees universal social protection coverage and provides appropriate benefits for all workers and for all persons and families, especially those belonging to the most disadvantaged and marginalized groups, including migrants of Haitian origin, with a view to ensuring that they have a decent standard of living. The Committee also urges the State party to redouble its efforts to set a social protection floor that includes basic social security guarantees.**

43. **The Committee draws the State party's attention to its general comment No. 19 (2008) on the right to social security and its statement of 2015 on social protection floors: an essential element of the right to social security and of the Sustainable Development Goals (E/C.12/2015/1).**

Protection of children and adolescents

44. The Committee is concerned about the large number of cases of exploitation and sexual abuse of children and adolescents. It is particularly concerned at the fact that no minimum age of sexual consent has been established and that the privileges afforded to members of the Catholic clergy have constituted barriers to the prosecution of some clerics for the commission of such acts. The Committee is further concerned at the considerable number of children between the ages of 5 and 15 who work and at the high number of children aged 14 to 17 who are engaged in hazardous work. The Committee regrets that the minimum working age remains 14 years (art. 10).

45. **The Committee recommends that the State party:**

(a) **Intensify its efforts to prevent exploitation and sexual abuse and ensure appropriate, good-quality services for the protection, compensation and rehabilitation of child and adolescent victims of exploitation and sexual abuse;**

(b) **Establish a minimum age of sexual consent in its domestic legislation and repeal any legal or administrative provisions that may be conducive to impunity in cases of exploitation or sexual abuse of children or adolescents, including provisions regarding the privileges established in respect of the prosecution of members of the Catholic Church;**

(c) **Redouble its efforts to adopt effective measures to prevent and combat the economic exploitation of children and adolescents, including the amendment of domestic legislation to prohibit the employment of children under 15, ensure that legal provisions on child labour are rigorously enforced, strengthen child labour inspection services and provide support to poor families to help them to ensure that their children attend school; and**

(d) **Ensure that all cases of exploitation and of any type of abuse or violence against children or adolescents are thoroughly investigated and that those responsible are duly punished.**

Birth registration

46. The Committee notes with concern that a significant number of children under the age of 5, especially children who belong to marginalized and disadvantaged groups, are not registered. The Committee is also concerned by reports of the existence of excessive requirements for the registration of children of Haitian descent, even when one of the parents is of Dominican origin, which places them at risk of statelessness and limits their ability to exercise their rights, particularly their rights to education and to access to health-care services (art. 10).

47. **The Committee recommends that the State party intensify its efforts to ensure that everyone has access to an efficient and free birth registration process through which all children who do not have a birth certificate may obtain one. In addition, the Committee urges the State party to eliminate all legal provisions and administrative practices that prevent children of Haitian descent from obtaining a birth certificate.**

Poverty

48. The Committee is concerned that, even though the economy has been growing, the State party has not succeeded in reducing its high levels of poverty, extreme poverty and inequality, especially in the cases of Haitians, Dominicans of Haitian descent, Afrodescendants and persons living in rural areas (art. 11).

49. **The Committee recommends that the State party:**

(a) **Step up its efforts to combat poverty, especially extreme poverty, by adopting a national anti-poverty action plan and ensuring that the plan and all social programmes put in place for this purpose, such as the Progress with Solidarity Programme, include a human rights focus, are endowed with the necessary resources for their implementation and devote due attention to the differences between social groups and existing inequalities between urban and rural areas;**

(b) **Adopt effective measures to fight inequality, taking into account the needs of the most disadvantaged and marginalized sectors of society, in particular persons of African descent and persons living in rural areas;**

(c) **Consider adopting a guaranteed minimum income that integrates the benefits provided by the various existing programmes so as to ensure that anti-poverty initiatives take a rights-based approach, reduce targeting errors and ensure the availability of the financial and human resources needed to administer existing programmes.**

50. **The Committee refers the State party to its 2001 statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10).**

Right to adequate housing, water and sanitation

51. The Committee regrets that the level of investment in housing, including social housing, is insufficient to reduce the significant housing shortage. It is concerned that, despite the efforts made, housing conditions in the *bateyes* remain substandard. The Committee is further concerned at the fact that there is an insufficient supply of drinking water and limited access to adequate sanitation systems, particularly in rural areas (art. 11).

52. **The Committee recommends that the State party increase investment in this sector and adopt a comprehensive social housing strategy that is founded on the universal right to adequate and affordable housing and that includes well-defined standards of quality and habitability. The Committee urges the State party to take appropriate and effective steps to improve living conditions in the encampments of sugar-mill workers known as *bateyes*. The Committee also recommends that the State party adopt the necessary measures to ensure a safe and affordable supply of drinking water and sanitation services, particularly in rural areas. It refers the State party to the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 15 (2002) on the right to water and to its statement on the right to sanitation of 2011 (E/C.12/2010/1).**

Forced eviction

53. The Committee remains concerned by reports of forced evictions carried out in the State party in the absence of the appropriate procedural safeguards and legal protection for evicted persons and families (art. 11).

54. **The Committee urges the State party to take the necessary steps to provide protection against forced eviction, including the adoption and implementation of an appropriate legal framework and the provision of compensation or the option of adequate alternative housing for persons who have been forcibly evicted. The Committee draws the State party's attention to its general comment No. 7 (1997) on forced evictions.**

Right to health

55. Notwithstanding the efforts made under the Ten-Year National Health Plan, the Committee remains concerned that the level of allocations for investment in the area of health continues to be low, which has a negative impact on the accessibility, quality and availability of basic health services, especially in rural and remote areas and particularly in the case of marginalized and underprivileged individuals and groups. The Committee is further concerned at the inequality that exists in terms of the various socioeconomic groups' access to the right to health and their enjoyment of that right, as is reflected in the fact that the infant mortality rate among lower-income groups is far higher than the national average (art. 12).

56. The Committee recommends that the State party allocate sufficient resources to the health sector and step up its efforts to ensure the accessibility, availability and quality of health care, particularly in rural and remote areas and for marginalized and underprivileged individuals and groups and for lower-income socioeconomic groups. The Committee also recommends that the State party improve the infrastructure of the primary health-care system and ensure that hospitals have the necessary emergency medications, supplies and medical personnel.

HIV/AIDS

57. While the Committee recognizes the State party's efforts to ensure access to antiretroviral treatment, it is concerned that access to this treatment remains limited for persons infected with HIV and persons suffering from AIDS who belong to the most disadvantaged and marginalized groups (art. 12).

58. The Committee recommends that that State party intensify its efforts to ensure sufficient coverage with respect to the supply of antiretroviral drugs and facilitate access to them for HIV-infected persons and for persons suffering from AIDS, in particular those belonging to the most disadvantaged and marginalized groups, and that, as part of this effort, it consider the possibility of introducing antiretroviral treatments that use generic medicines.

Sexual and reproductive health

59. The Committee welcomes the information provided by the delegation on the discussion in Congress of a new bill that would decriminalize abortion in certain specific cases; however, it finds it regrettable that a total ban on abortion remains in effect. The Committee notes with concern the large number of unsafe abortions that are performed and the high maternal mortality rate. It is further concerned by the high rate of teenage pregnancy, which is due, among other factors, to the lack of adequate sexual and reproductive health services and information (art. 12).

60. The Committee recommends that the State party:

(a) Fast-track the discussion and adoption by Congress of the bill that would decriminalize abortion in cases where the procedure is necessary (rape, danger to the mother's life or physical or mental health, fetal non-viability) in order to safeguard women's fundamental rights;

(b) Adopt the necessary legislative and administrative measures to prevent maternal mortality and morbidity, taking into consideration the technical guidance issued by the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes aimed at reducing preventable maternal morbidity and mortality (A/HRC/21/22);

(c) **Redouble its efforts to reduce the high teenage pregnancy rate, especially among girls from marginalized and underprivileged groups and from low-income and low-education families, and ensure access to and availability of sexual and reproductive health services and information for all women and teenage girls, particularly in rural areas.**

61. **The Committee refers the State party to its general comment No. 22 (2016) on the right to sexual and reproductive health.**

Drug policy

62. The Committee is concerned that the State party imposes disproportionate punishments on users of illicit drugs and persons who traffic in small quantities of such drugs, who are made to serve long prison sentences in overcrowded facilities and appalling living conditions (art. 12).

63. **The Committee recommends that the State party adopt a health- and rights-based approach to drug abuse problems, reconsider its penalization of drug use and take steps to ensure adequate living conditions in prisons. The Committee urges the State party to adopt emergency measures to put an end to prison overcrowding, including through recourse to alternatives to imprisonment for those who commit minor offences. The Committee refers the State party to the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules), adopted by the General Assembly by resolution 45/110.**

Right to education

64. While the Committee welcomes the State party's efforts to increase spending on education and improve school infrastructure, it is concerned that:

(a) The quality of instruction remains poor and the curricula do not provide sufficient coverage of human rights, gender equality or sexual and reproductive health;

(b) Despite the steps taken, children of Haitian descent and children who do not possess a birth certificate continue to face difficulties in gaining access to education, especially at the secondary and tertiary levels;

(c) The dropout and repetition rates, in particular at the primary level, remain high (art. 13).

65. **The Committee recommends that the State party:**

(a) **Take the necessary steps to enhance the quality of instruction by allocating sufficient resources for education, increasing the number and salaries of qualified teachers and improving infrastructure and educational materials;**

(b) **Incorporate comprehensive age-appropriate lessons on human rights, gender equality and sexual and reproductive health into primary and secondary curricula;**

(c) **Redouble its efforts to guarantee access to all levels of education for all children and adolescents, in particular Haitian children, children of Haitian descent and children who do not possess a birth certificate or identity document;**

(d) **Adopt the appropriate measures to reduce the school dropout and repetition rates at all levels of education, especially at the primary level and among students belonging to marginalized and disadvantaged groups.**

Cultural rights

66. The Committee notes with concern that the measures adopted by the State party have not done enough to promote respect for the cultural diversity of Afrodescendent communities or to disseminate information about that culture (art. 15).

67. **The Committee recommends that the State party take all necessary steps to strengthen the protection of cultural rights and respect for cultural diversity by fostering an enabling environment for the efforts of Afrodescendent communities to preserve, develop, express and share their identity, history, culture, traditions and customs.**

D. Other recommendations

68. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

69. **The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

70. **The Committee recommends that the State party take full account of its obligations under the Covenant and ensure the full enjoyment of Covenant rights in the course of the implementation of the 2030 Agenda for Sustainable Development at the national level while drawing upon international assistance and cooperation as necessary. The State party should take meaningful steps to facilitate the achievement of the Sustainable Development Goals by establishing independent oversight mechanisms to track progress towards the Goals and by treating the beneficiaries of public programmes as persons who hold rights and who demand that they be allowed to exercise them. The adoption of measures for the achievement of the Goals that are in keeping with the principles of participation, accountability and non-discrimination should ensure that no one is excluded from the process.**

71. **The Committee recommends that the State party promote the systematic collection of data and, based on those data, the compilation and utilization of statistical human rights indicators, including indicators for economic, social and cultural rights. In that connection, it refers the State party to the conceptual and methodological framework for human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3). The Committee requests the State party to include comparative annual statistics in its next periodic report on the exercise of each of the Covenant rights, disaggregated by age, sex, ethnic origin, urban or rural place of residence and other relevant criteria.**

72. **The Committee requests the State party to disseminate these concluding observations widely at all levels of society, particularly among public officials, judicial authorities, legislators, lawyers and civil society organizations, and to provide the Committee with information on the steps taken to apply these recommendations in its next periodic report. It also encourages the State party to engage civil society organizations in the discussions to be held at the national level regarding the actions to be taken to give effect to these concluding observations and in those to be held prior to the submission of its next periodic report.**

73. The Committee requests the State party to submit its fifth periodic report, prepared in accordance with the guidelines for the submission of reports adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2021. It also invites the State party to submit its core document, prepared in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6, chapter I).
