



Rights of persons with a disability in the Dominican Republic

Universal Periodic Review –UPR-



This report is being presented by the Observatory of the implementation of the Convention on the Rights of Persons with Disabilities (OPcD), which is executed by: the ‘Asociación de Personas con Discapacidad Físico-Motora (ASODIFIMO)’, in collaboration with the ‘Centro Pedro Francisco Bonó’, the ‘Círculo de Mujeres con Discapacidad’ (CIMUDIS), and the ‘Fundación Dominicana de Ciegos’ (FUDCI); with the financial support of the European Union.

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Recommendation that found support by the State during the 13th period of session of the Human Rights Council, during the Universal Periodic Review.

3. Review its domestic policies and practices to ensure full compliance with the Convention on the Rights of Persons with Disabilities (Canada);

7. Set up a database related to the socio-economic situation of the population, disaggregating the data in terms of racial and ethnic identity, persons with disabilities, national origin and gender, with a view to analyzing the social situation of different groups of the population and thus make progress in strengthening or establishing public policies to prevent and eliminate discrimination (Mexico).

Context

1. People with a disability who are part of the poorest of the poor in the world, live excluded from the benefits and services of the community to which the majority of the citizens of the country do have access.
2. In accordance with the last Census on Population and Residence 2010, 12.3% of the total population lives with some form of disability in the Dominican Republic. This constituted a total of 1.160.847 persons.¹
3. The data from the 2010 Census indicate that the disabilities most common in the country are physical and motor disabilities, visual disabilities, attention deficit disorder, auditory impairment.
4. Of all people with disabilities, 56.3% are women and 43.7% are men. 8.1% are between 0 and 14 years old; 65.9% are between the ages of 15 and 64, and 26% are above the age of 65. 55% of the population with disabilities live in Santo Domingo (the National District), Santiago, La Vega and San Cristóbal.
5. In respect to education, 23.6% are illiterate; and of the population with disabilities who began formal education, only 14.4% have access to higher education.
6. According to the National Survey on the Labor Force, in 2012, a total of 354,358 people were unemployed and not seeking work, because of a permanent disability.²
7. The Dominican Republic signed, in 2007, and later ratified in 2009, the Convention on the Rights of Persons With Disabilities, sponsored by the United Nations (UN). The Convention is an international legal document that is obligatory for all states which ratify it. Its purpose is to promote, protect and insure the full and equal enjoyment of all human right and fundamental freedoms for those with disabilities, and to promote the respect of their inherent dignity.
8. Recently, in early 2013, the approval of the law on the equality of the rights of people with a disability (law 5-13) constitutes a success in the actions of incidence from the

¹Oficina Nacional de Estadística (2010). Censo de Población y Vivienda 2010. ONE. República Dominicana.

² Banco Central (2012). Encuesta Nacional de Fuerza de Trabajo. En:

<http://www.bancentral.gov.do/cgibin/RpWebEngine.exe/PortalAction?&MODE=MAIN&BASE=ENFTNMM&MAIN=WebServerMain.inl>

sector to count on an legislative instrument which sustains the demands for a mayor inclusion and respect for the rights of persons with a disability.

Invisible in the States numbers

9. People with disabilities are among the most excluded of the excluded, and the violations of their human rights (civil, political, economic, social and cultural rights) have been made as invisible as the same people who live with disabilities. The situation of social and economic exclusion and discrimination in nearly every aspect of life forms a vicious circle.
10. It should be noted that the exclusion which affects those individuals with a disability has reached the scope of statistical research and it cannot be considered that the census is a specialized instrument for the analysis of these groups; given that there are severe weaknesses in the identification of the type of disability.
11. The lack of indicators and statistical data suggests that there is little communication between the different programs and commitments that the Dominican State has made from specific departments. The country is also a signatory to the "Plan for the Decade of the Americas: for the rights and dignity of people with disabilities". This plan suggests a number of indicators to facilitate its application, and therefore already has a base and previous commitments, which are important to consider, articulate and enforce.
12. This cultivates that in 2013 there will continue to be a challenge for the Dominican Republic: the embellishment of a rigorous and profound studies on the population with disabilities; which presents a set of indicators and update demographic data which allows focus on actions per territory, gender, age, and prompt necessities. Additionally, this will sustain the justification of systematic programs that strive to guarantee the complete enjoyment of the rights of people with a disability. The lack of this type of studies reflects the indifference to find a starting point for the planning of public politics directed towards the improvement of the quality of life of this group and their families.

Women with disabilities

13. Women with disabilities represent 56.3% of the disabled population, according to 2010 Census. These therefore constitute more than half of the disabled population. The country lacks specific programs or actions that seek to promote the full development and empowerment of women and the inclusion and non-discrimination of women with disabilities.
14. Women with disabilities face greater obstacles in getting a decent job with a fair wage.

Exclusion in the educational system

15. Linked to the necessity to break away from the systematic invisibility, is the country's lack of mayor implementation of inclusion mechanisms, to include individuals with a disability in education. These exclusions are seen in practices such as the rejection of children in primary education because they live with a disability; the lack of architectural designs to accommodate disabled persons in public and private

educational buildings; the reduced number of teachers that master sign language; and the fact that the Braille system is barely implemented.

16. Barriers in primary and secondary education prevent more people with disabilities from gaining admission in higher education. And for those who are admitted, there are again a number of barriers, not only physically in terms of the building and facilities, but also structurally, in terms of social understanding and acceptance.

Exclusion in the health system

17. In health area, disabled persons are not considered within the framework of programs and politics on sexual health and reproduction; many women are pressured or motivated as to not have children; there is no implementation of actions to bring special health services for disabled people closer to the communities, especially those rural communities; and there are very few initiatives to raise awareness amongst professionals in health care on the human rights, the dignity, the autonomy, and the necessities of individuals with a disability.
18. This, in addition to the high costs of homestay and medication and the high levels of unemployment, evidences the inequality and the social exclusion in which individuals with a disability in the Dominican Republic live.

Labor market exclusion

19. One of the major limits faced by people with disabilities is their ability, or inability, to integrate into the labor market, despite the fact that most are of the age to be economically productive and therefore are excluded from the country's economic production. Their exclusion from the formal labor market means that many people with disabilities are incorporated into the informal market, or are relegated to begging.
20. There is a reluctance to make the necessary changes to the infrastructure to integrate people with disabilities into the work force.
21. There is not currently a system of sanctions to penalize discrimination in the workplace based on disability. Nor is there the political will to pass legislation to ensure the protection of people with disabilities, equal opportunity and access to programs and technical vocational guidance. Neither is there the motivation to promote employment of people with disabilities in the public and private sector.

Barriers city

22. In this same line, the lack of regulation, name plates, and signs impede individuals to move with security. Those without sight walking on public roads regularly encounter with cables and open sewers, which form obstacles while walking on the pavement. In addition this this, the enormous amount of noise on the streets disorientate them, which makes them lose the feeling of where they are.
23. It should also be noted that individuals with a disability do not have the same type of access to justice, to the public services that grant private credits, such as banking services, especially in the case of individuals suffering from blindness. People without

their hearing cannot count on the interpretation services in tribunals, a discrimination that women also encounter in the public attorney's offices where they go to press charges on violence against women.

24. In Santo Domingo, there are very limited means of transportation for the mobility of people with disabilities. Only the recently built Santo Domingo Metro is accessible to people with physical disabilities, and there are no means of public transportation for people with visual disabilities. This limits the possibilities of transportation, generating high economic costs for persons with disabilities.

Other considerations

25. There exist international instruments for the promotion and protection of the human rights of persons with a disability, which assure the full enjoyments of the fundamental liberties, such as those previously mentioned.³ Except for the Dominican Republic being a signatory party to these instruments, and that the constitution and Dominican laws guarantee the rights to this group, in a country where the devotion to the law is not a norm, especially when talking about institutionalism, this does not lead to a guarantee for the full enjoyment by individuals with a disability of their rights.
26. The answers given by the State have been well encompasses in a limited social assistance or private cautiousness, and have not been the mark of the promotion of the rights of the person, which one more deepens the injustice and inequalities.
27. Taking this view into account, it shows that the recent approval of the law on the equality of the rights of people with a disability (law 5-13) constitutes a success in the actions of incidence from the sector to count on an legislative instrument which sustains the demands for a mayor inclusion and respect for the rights of persons with a disability. Nevertheless, as has been shown, there are necessary and precise actions for the implementation, such as the regulation and its proper compliance, which should be accompanied by sanctions as a counterweight to its violation.

Recommendations

1. Realize a rigorous and profound research on the situation of persons with a disability.
2. Plan of action which entails the actions which will be implemented in a gradual manner as to guarantee the implementation of the Convention of the Rights of Persons with Disabilities of the UN.
3. Approval of the regulation of the implementation of law 5-13.
4. Accelerate the creation of an independent national institution of human rights, conform to the Paris principles, as was recommended in article 33 of the convention.
5. Approval and execution of a national plan of accessibility.
6. Realize a national survey on disabilities.

³See: Organización de las Naciones Unidas (2006). Convención sobre los Derechos de las Personas con Discapacidad. ONU.