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# The Innocent Face of Rights: An Exploration of Children's Rights and Its Influence on Community Development in the Dominican Republic

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**THE INNOCENT FACE OF RIGHTS:  
An Exploration of Children's Rights and Its Influence on Community  
Development in the Dominican Republic**

**Hillary Anne Smith**

**A Capstone Research Project Submitted to the Faculty of Department of Politics  
and Government of Illinois State University in Partial Fulfillment of the  
Requirements for the degree of Masters of Science  
Master's International: Peace Corps Dominican Republic  
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## **EXECUTIVE SUMMARY**

The protection of basic human rights and a higher level of community development are two closely connected elements that have the power to drive a nation. Over history, we have seen case after case in which human rights violations are closely linked to the plaguing occurrences of conflict, exclusion, and poverty, all of which are directly related to the quality and pace of development of a country (OECD, n/d). Kofi Annan, former UN Secretary General once said, "Humanity will not enjoy security without development, it will not enjoy development without security, and it will not enjoy either without respect for human rights" (Stevens, 2012). Human rights and development exist hand in hand, and the two concepts should be explored together.

Many have contested whether or not children's rights should have the same active role as human rights in the development of a nation. Over the last decade this issue has animated much debate. The Dominican Republic makes for a fascinating case study of not only how implementing children's rights can have a powerful influence on community development, but also of how a disconnect between policy and reality can produce serious violations that threaten the very basis of children's rights, and therefore community development, in a lesser-developed country.

This paper explores the following questions: How do children's rights implementation and violations affect community development? What changes are needed in the community in order to protect children's rights? This paper seeks to inform these questions by providing qualitative insight into concepts of children's rights, and more pointedly into the violations of these rights in the Dominican Republic, with a focus on how children's rights situations relate to the higher development of the country as a more progressive society.

## INTRODUCTION

This paper has 10 main sections. Section 1: A Declaration, A Step in the Right Direction, provides a summary of the historical development of an international standard of human rights that provides context for the children's rights conversation. Section 2: A New Concept, A New Mentality, analyzes the transition to a focus on children within the context of human rights and development, and subsection 2.1 explores some of the challenges to the furthering human and children's rights at the global level. Section 3: A Case Study of the Dominican Republic, and its 4 subsections, provide an explanation for why the paper is focused on the Dominican Republic as well as a historical background of the situation of human and children's rights, an overview of concepts and policies of children's rights protection, and a picture of the reality of children's rights in the Dominican Republic.

This paper then goes on to focus on children's rights violations and its effect on community development. Three different sections analyze the marginalized populations of children in the Dominican Republic in the areas of health, education, and identity in Section 4: Healthy Children, Healthy Community Development, Section 5: Children and Education: A Future Generation of Intelligent Citizens, and Section 6: Stateless Children: Identity in the Dominican Republic. In Section 7: The Violations: A Question of Why, the causes of violations in the areas of health, education, and identity are explored. Within Section 8: Where Do We Go From Here? Focus Points, various objectives to protect children's rights in order to further community development are described, and strategies to accomplish these objectives are outlined. In conclusion, Section 9: A Unique View of Development and Children's Rights and Section 10:

**Conclusions**, work to tie together the themes of the paper and provide conjectures for a future in which the protection of children’s rights are key to healthy community development.

## **1. A DECLARATION, A STEP IN THE RIGHT DIRECTION**

“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.” - Eleanor Roosevelt, 1958 “In Our Hands” speech delivered on the tenth anniversary of the Universal Declaration of Human Rights (United Nations Resources for Speakers on Global Issues: Human Rights, 2012).

The date December 10<sup>th</sup> 1948, ten years prior to Eleanor Roosevelt’s 1958 speech, marks one of the momentous turning points in human history to date. It was on this day that the foundation of the international human rights law was established, inspiring states and societies to address injustices during times of conflict and violence in order to arrive at a universal recognition and enjoyment of human rights. The experiences gained during the Second World War, along with the creation of the United Nations in October of 1945, drove the international community to renounce the many cruelties that had been witnessed during the war by so many countries and populations. The new United Nations Charter was strengthened by the decision of many world actors to provide a guidebook that would work to guarantee the basic human rights of every individual everywhere in

the world.

The original U.N. Commission on Human Rights that drafted the Universal Declaration of Human Rights was made up of 18 members from different religious, political and cultural origins. Eleanor Roosevelt, who today is distinguished as the driving force for the adoption of the official Declaration, chaired the drafting committee. In her 1958 speech she speaks to the universality of human rights and the heavy responsibility they demand from all.

Over 50 Member States participated in the final drafting of the Declaration, and the General Assembly adopted the Universal Declaration of Human Rights in Paris on December 10th, 1948 (United Nations: The Universal Declaration of Human Rights, 2012). In less than two years the Declaration had been completed, a mighty feat despite the complex struggles to find common ground in a world still very much divided; “I perceived clearly that I was participating in a truly significant historic event in which a consensus had been reached as to the supreme value of the human person, a value that did not originate in the decision of a worldly power, but rather in the fact of existing—which gave rise to the inalienable right to live free from want and oppression and to fully develop one’s personality. In the Great Hall...there was an atmosphere of genuine solidarity and brotherhood among men and women from all latitudes, the like of which I have not seen again in any international setting”, commented Hernán Santa Cruz of Chile, member of drafting sub-Committee (United Nations: The Universal Declaration of Human Rights, 2012).

Asking all participating countries to distribute the document in schools and other educational establishments, the United Nations had seemingly turned an unspoken yet

generally accepted concept into an official protocol. Each country, no matter its political environment, was asked to read and comment on the new international agreement. To some, an idea so seemingly inherent such as human rights did not merit a declaration. To the United Nations, the Universal Declaration of Human Rights became the document absolutely essential in promoting a dialogue that would help the world realize a common vision and shared values of rights, entitlements, and freedoms.

Under the Universal Declaration of Human Rights, the United Nations proclaims that the enjoyment of human rights was something that should be contributed to by all and shared by all, and in fulfilling this proclamation we therefore would become citizens of peace. In the Preamble to the Declaration, the General Assembly proclaims the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace (United Nations: The Universal Declaration of Human Rights, 2012).

The United Nations expresses that these rights are based on each human being’s hope to live a life in which we respect each other and protect the inherent dignity and worth of each human being. Under the Declaration, we are to promote social progress and increase quality of life inside the wider concept of liberty. In the release of this document, the General Assembly wanted to caution that with the absence of a universal acceptance of these human rights, conditions of social and political instability could be generated, leading to violence and conflicts among different, nations, societies, and even within societies themselves. Perhaps most importantly, the United Nations determined that having and understanding a common concept of these rights and liberties was necessary in ultimately accomplishing the goal of eradicating human rights abuses. By declaring



that all human beings are born free and equal in dignity and rights, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”, the Declaration was foremost aimed at eradicating all human rights inequalities (United Nations: The Universal Declaration of Human Rights, 2012).

When the Declaration was signed in 1948, it was glorified as the first international document that fostered a universal value. This all-encompassing document would later go on to inspire hundreds of international human rights treaties, laws, conventions, and bills. Notwithstanding, the document would also find itself trapped in the middle of hundreds of controversial events and conflicts between nations and societies that could not arrive at a common concept of human rights. One issue, for example, expressed by Indian and Egyptian Commissioners, was that certain social and economic rights proclaimed in the Universal Declaration of Human Rights could not possibly be put into effect by governments of poor countries in any immediate manner (Glendon, 2004). What the United Nations may have failed to recognize in the creation of this Declaration was that in various cultural and economic contexts, these ideas could be understood very differently, allowing room for exclusions that left populations with their human rights partially denied. To address this issue over time, international human rights treaties have become more detailed and evolved in order to encompass concerns that required a special form of protection or guidance, such as racial discrimination, forced disappearances, and torture, as well as the plight of exposed groups such as women, children, and indigenous peoples.

## **2. A NEW CONCEPT, A NEW MENTALITY**

In the 1980's, many nations began to acknowledge the importance of and establish rights for a very special, but often overlooked population. The idea of protecting children from human rights abuses became a new concept and mentality based on changing attitudes among policy makers, community organizations, and even families. The United Nations' original definition of human rights would later become the basis of children's rights around the world. As defined in Article 1 of the United Nations' Convention on the Right of the Child, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (Convention on the Rights of the Child, 1989). Different countries, however, have very distinct concepts on what is a child. In the Dominican Republic, for example, the law recognizes and distinguishes children and adolescents as special populations whose fundamental rights must be protected. A boy or a girl, according to Law 136-03 under the Code for the Protection of the Rights of Boys, Girls, and Adolescents, is "any boy or girl from their birth until they are twelve years of age", whereas an adolescent is "any person from thirteen years of age until they reach eighteen years of age" (Palacio del Congreso Nacional, 2003).

Perspectives of what the concept of children's rights should look like varied in every country, marked by undefined visions and protocols. But one united understanding did exist among a majority of nations; that youth were a quickly growing, and very vulnerable population that were at the same time fundamentally important to the future of all nations' development, especially at the community level. Community development relies on collaboration between people and action in order to engage in the process of

improving participation, equity, the function of institutions, and the quality of life in the community. The large population of children (they often constitute half of the population in developing countries) lacked something incredibly important to the healthy development of communities around the world: special rights. The idea that all children have special needs apart from adults was widely accepted, such as comprehension, affection, and the need to be engaged in a variety of healthy activities.

Formerly, children had been clumped into the general definition of human rights, rather than being acknowledged as a population that are in a crucial and very vulnerable stage of development. A child's development is affected by a wide variety of risk factors, such as health, education, family, and socio-economic influences. Children, many people began to observe, were constantly absorbing what adults reflected, "*como una esponja*" ("like a sponge"), commented Eric Gomez, educator at Catholic Relief Services in Santo Domingo, Dominican Republic (NNA Conference, May 2012). However, what adults tended to reflect to children was not always favorable; children were increasingly exposed to abuses such as child labor and exploitation, threats to health such as HIV/AIDS, and denial of basic rights to education and social services.

It was clearly time for the relationship between children and society to change. International leaders recognized that this special population needed protection and care that looked very different from what adults need. In an effort to make the world recognize that children and youth have rights to protect, world leaders would draft a document that would set these standards and protocols that give children what they needed and deserved. On November 20<sup>th</sup> 1989, the first relevant step was taken in favor of protection of children in the world in the formation of an international convention of children's

rights. The official Convention on the Rights of the Child came into force on September 2<sup>nd</sup> 1990, over 41 years after the Universal Declaration of Human Rights was adopted. Since then, this document has become the most extensively ratified human rights document, having been ratified by 193 countries, including the Dominican Republic.

This Convention details in 54 articles the basic human rights that children everywhere have. These rights range from the right to survival and development and the right to protection from abusive exploitation to the right to participate in family, social, and cultural life and the right to understand his or her rights. The Convention's goal was to make clear that each right was inherent to a child's human dignity and full development. Standards were set in the areas of education, health care, and social, legal and civil services. Finally, those countries that had agreed to the Convention promised to hold themselves accountable to the international community for protecting the best interest of the child (Convention on the Rights of the Child, 1989).

## **2.1 Challenges to Progress**

Children's rights, like the human rights expressed in the Universal Declaration of Human Rights, are also controversial. There are hundreds of debates surrounding the theoretical framework of children's rights; many argue over which is the best way to honor a child's rights, others argue whether or not young children should participate in the process of protecting their own rights, and still others debate over the differences between protecting a child's rights and respecting them as human beings. There also exist debates surrounding the actual application of children's rights; countries have a wide

variety of policies and programs that they enforce and utilize in order to comply with the Convention's standards.

One especially controversial topic concerning the Convention on the Rights of the Child is the reality that the United States has refused to ratify the Convention. The United States is one of two United Nations members that have not ratified the original Convention (Somalia is the other member), primarily because of fears that the document would interfere in U.S. laws and parental rights. Despite playing an active role in the creation of the document, the U.S. has maintained its ever-cautious position in ratifying the U.N. Convention in order to protect its sovereignty and authority of parents over their children. Because the United States refuses to ratify the document, the country lacks an opinion in the United Nations' discussions surrounding the interpretations and applications of the Convention in other countries, which sadly may be slowing any policy changes at the international level.

The debates on human rights continue at a global level as well. The world, when focusing on it from a human rights perspective, is little different today from two decades ago. Why? There are many difficulties for further progress of human rights, and children's rights in particular, at the global level. Achieving sustainable structural improvements in the area of human rights in general is a very complicated process, with many steps and players involved. One consistent issue is the difficulty that many countries and governments experience in reaching a consensus on specific human rights issues and how they should be protected. All countries exist under different cultural, social, and economic circumstances, and these circumstances affect how they react to certain human rights challenges. In Syria, for example, many argue that perhaps a

humanitarian intervention that upholds the concept of ‘Western’ human rights would not be legitimate in a country that is so socially and culturally different than any Western country (Bellamy, 2010). It has been universally difficult to reach a consensus on human rights, and particularly on children’s rights, when there are so many diverse factors at play. These different perspectives cannot be ignored, as they often lead to conflicts and therefore hinder progress in the human rights field.

There also exists a lack of coherence in how to protect certain human rights issues. The Universal Declaration of Human Rights provides a guide for what rights should be protected, but leaves its signatories blind in how to actually protect those rights. This leads countries and governments to deal with the issue as they see fit to, or to ignore it all together for lack of knowledge. There are also countervailing forces at play; a fear of political backlash is also always present, and many feel that if they were to uphold some certain human rights, an opposing force would try to put an end to it.

Another crucial factor in the difficulties for human rights progress occurs by way of politicization. It is very common in countries, and especially in least-developed countries, for political interests to hold a higher privilege over human rights issues. Many countries, particularly least-developed countries, face barriers and restraints that hinder them from furthering the human rights agenda. Developing countries are often blamed for not progressing as they promise in the area of human rights, but it is very often the economic restraints that make it difficult for them to follow through (Bellamy, 2010). Is it fair to demand compliance with human rights standards from countries that are burdened by certain constraints? Over the last few decades, globalization has rendered foreign and domestic affairs almost inseparable, and economic welfare without regard to human

rights has become a priority. For example, it can be argued that many least-developed countries are under inflexible economic constraints imposed by a global neoliberal disposition that limits their ability to guarantee and protect the rights of their citizens, including children. Furthermore, many governments in least-developed countries purposely put foreign policy first above all human rights and policy coherences in order to protect its economic interests. These competing priorities can lead to serious conflicts and civil consequences.

It must be considered that the various difficulties that countries confront in the area of human rights make it limiting as a framework for confronting social problems, such as children's rights violations. Theories are still lacking in the area of the relationship between economic and social rights, and the criticisms of the human rights and children's rights declarations are endless. For these reasons, it is important to understand whether the implementation of human rights, and especially children's rights, can affect community development.

### **3. A CASE STUDY OF THE DOMINICAN REPUBLIC**

I am currently serving as a Youth, Families, and Community Development Peace Corps Volunteer in the Dominican Republic. Beginning in October of 2011, I have been working in a semi-urban community called La Victoria, located just outside of the capital city of Santo Domingo. With an estimated population of 13,500 people, La Victoria is in the process of development, characterized by both paved and unpaved streets, unreliable water and electricity sources, and a low level of employment. I work with youth in the community, focusing on the areas of girls' empowerment, HIV/AIDS awareness and

prevention, and sexual education for adolescents to reduce the number of teenage pregnancies and rate of sexually transmitted infections in La Victoria.

As a Youth Volunteer, I have experienced first hand the two-way causal relationship between children's rights and the community. The rights that children enjoy or do not enjoy in La Victoria depend on characteristics of the community in which they live. Child labor is widely accepted and encouraged in La Victoria, for example, often leaving children's rights to education unfulfilled. Moreover, parents in La Victoria often do not feel that their child should have the right to express him or herself; too often have I heard parents telling their children that they should be seen and not heard. I believe I have also experienced that the implementation of children's rights can be a powerful tool of community development, and this will be discussed further along in the paper.

The Dominican Republic, like so many other developing countries, has a huge population of children. Of the almost 10 million people living in the Dominican Republic, about 48% of them are children under the age of 18 (UNICEF, 2012). Furthermore, the Dominican Republic has been for many years a focal point for many international human rights groups because of the high level of children's rights violations that occur in the country. In this paper I will provide a number of insightful examples of these violations, as well as demonstrate how these violations are directly connected to community development. The Dominican Republic not only makes for a fascinating case study of how disconnected policy and reality can be, but it also provides a great case in point of how implementing children's rights actually can have a powerful influence on community development.



### **3.1 Children's Rights in the Dominican Republic**

During the time leading up to the adoption of the Universal Declaration of Human Rights, the environment in the Dominican Republic was dark and violent. Dominicans had lived under the long and bloody dictatorship of Rafael Leonidas Trujillo since 1930, in which acts of torture, murder, and forced disappearances were commonplace and widespread. Given the outrageous human rights abuses being committed in the country, the fact that the Dominican Republic was one of the 48 countries that signed the Universal Declaration of Human Rights in 1948 was an act of total hypocrisy. This was not the only hypocritical act against the Declaration, however. It soon became clear that many other governments that ratified the document did not respect its goals and did not intend to comply with its objectives.

After the Trujillo assassination in 1958, and especially after 1967, when democratically elected administrations finally began to govern the country, human rights progressed in the country. Dominican citizens enjoyed more political and social freedom than ever before. International development agencies had the opportunity to reach the country with resources and support for the progress of the country. The United States Peace Corps entered the Dominican Republic in 1962, with volunteers serving various communities in the areas of community health and child survival, small business development, education, and youth development.

Since 1962, Peace Corps Dominican Republic Volunteers have worked in marginalized communities and have developed project plans to include HIV/AIDS prevention, youth service-learning projects, and gender empowerment. The Youth, Families, and Community Development (YFCD) sector was initiated in 2002 to focus

solely on youth as a special population. Moreover, volunteers have supported organizations that work with youth living in extreme situations, including youth that live on the streets, live with HIV/AIDS, are being sexually exploited, or those that are victims of violence and extreme poverty (Peace Corps Dominican Republic YFCD Project Plan, 2012). Volunteers work to ensure that children and youth's rights are being protected and understood by the community, as well as encouraged by adults and positive role models.

Beginning in the 1970s and throughout the 1980s, non-governmental organizations and foundations such as UNICEF and Save the Children broadened their reach in the Dominican Republic, working in the areas of primary education and teacher's training, women's participation in development, children living in vulnerable situations, and monitoring policies on women and child welfare (UNICEF, 2012). These organizations, along with the Peace Corps, continued to work on promoting and making effective children's rights, pressuring the government to adopt national policies, strengthen their child protection services, and allocate budget resources to the cause.

On January 24th 1991, the Congress of the Dominican Republic by way of Resolution 8-91 ratified the Convention on the Rights of the Child, promising to follow through in all areas. This symbolized a great step forward in the antiquated form of thinking and behaving in relation to children. Rather than viewed as 'minors' and simply as subjects of compassion or repression, children became distinguished as human beings with rights that needed to be protected. The basic rights outlined in the Resolution included those of equality, protection, right to a name and nationality, health, special attention, love and comprehension, peace, education, labor protection, first served in emergencies, healthy environment, and protection against HIV/AIDS.

Provinces of the Dominican Republic were to adopt educative and administrative measures, as well as encourage social mobilization, in order to embrace the new Resolution. The Resolution warned that when any of these essential children's rights are violated, the level of the child's vulnerability and insecurity increases, self-esteem decreases, the child is not protected as he or she should be, and he or she may live in a environment of violence with an uncertain future (UNICEF, 2012). The Dominican Republic would eventually experience a disconnect between the policies introduced to honor the Resolution, and the reality that children would face in terms of their rights.

### **3.2 Protection: A Divided Concept**

The concept of children's rights is in a constant state of change. For centuries, children were understood to be under the family's absolute authority, with few to no individual rights to be protected. However, beginning at the time of the industrial revolution in the late 1800s and early 1900s, laws were passed in Europe and the United States to protect children. By the mid 1900s, child protection policies and laws were aimed at protecting children that lived in 'irregular situations' and who did not have access to basic services such as education and healthcare. Under this 'Irregular Situation' framework, children were divided systematically into two separate categories: 'children' and 'minors'. Those whose basic needs were satisfied ('children') were excluded from this legislation, making it so that those whose needs were not being met ('minors') were the only children being protected. Children were also "regarded simply as objects for state intervention, rather than true legal subjects entitled to certain rights and guarantees" (UNICEF, 2004).

The concept of ‘state intervention’ generally meant housing delinquent children in “custodial settings that are not any different from detention” (National Law School of India, 2005). Under this framework, “children who do not fall into conventional social behavior are stigmatized and penalized in an effort to ‘reform’ them” (National Law School of India, 2005). However, this attempt at ‘reformation’ has proven to be grossly defective. According to the Inter-American Commission on Human Rights, it was found in the Dominican Republic that minors who are offenders often stay in detention centers with common criminals. Cells are shared with adult prisoners, where the children are often exposed to sexual abuse and violence. These situations are labeled ‘preventative detention’ and by law are limited to a confinement of two years, but many children are confined up to the majority of prison time due to juvenile court delays (Inter-American Commission on Human Rights, 1999).

As policy makers became more aware of the dangers of children living in poverty, the ideology of “compassion-repression” was created, declaring that children should be offered protection only *after* their rights had been violated. In this situation, the juvenile judge and courts have all the decision-making power, essentially rendering the state the guardian of a child’s rights. With already overloaded juvenile courts and a lack of resources to endorse this ideology, the Dominican Republic’s children would continue to suffer. This concept persisted even after the ratification of the Convention, and survives today in many countries around the world. Some countries that have ratified the comprehensive doctrine of the Convention have left their legislation unchanged from the Irregular Situation framework, creating a disconnect between national policy and the reality of children’s rights. Although many world leaders in children’s rights have

proclaimed this framework to be obsolete and unconstitutional, this concept still stands in many countries, especially those to be considered ‘developing’.

Under the Convention, a fundamental change occurred in interpreting a child’s status. Countries were asked to find strategies of full inclusion in their children’s rights legislation. This new framework, called the Integral or Comprehensive Protection approach, “considers children and young people as subjects of their rights, thus avoiding the compassion-repression dichotomy, and instead promoting protection-vigilance” (UNICEF, 2012). This meant that children would be viewed as individuals with rights that must be protected, and that the State, family, and society had a role in guaranteeing these rights. This principle of integrity, recognizing that both adults and children have rights and responsibilities in society, was a completely novel way of thinking about children’s rights that would spark future debates in children’s rights as related to the process of development. It would also help to eliminate the discriminating ‘Irregular Situation’ doctrine, which limited the child in an irregular situation to protection.

As Doctor Tatiana Ordeñana Sierra describes, “The Doctrine of Integral Protection cannot be understood as a text that exists apart from reality, or as a Doctrine that is parallel to the Doctrine of the Irregular Situation, it is a change of paradigm, in which children are protagonists of the law, and are individuals with rights” (Sierra, n/d). The Integral Protection doctrine blamed social policy and society, not the child, for the irregular situations that existed in society. According to this framework, as a citizen of the community, a child’s rights must be guaranteed through various actions such as community education, social mobilization, and a comprehensive legal system. Although special protections could still exist for vulnerable populations among children, these

protections, according to the Integral Protection doctrine, exist together with the guaranteed basic rights of all children.

The Dominican Republic resolved to take the Integral Protection doctrine approach to children's rights when it adopted the Convention in 1991. By ratifying the Convention, the country promised to make a series of judicial, legislative, educational, social, and administrative changes in order to protect the children's rights stated in the document. However, many actions to ensure children's rights today in the Dominican Republic reflect that of the Irregular Situation framework, in which children are only viewed as in need of support when their rights have been seriously violated. Rather than focusing on prevention strategies to keep children's rights protected, the state has focused on its 'interventionist' responses to these violations among special populations of children.

### **3.3 Policy Versus Reality**

Unfortunately, public policy in the Dominican Republic has not committed to a path in which children are treated as a national priority, despite the country's adoption of these several progressive resolutions. In 1997, in response to a Children's Rights report submitted by the Dominican Republic, the Committee on the Rights of the Child<sup>1</sup> noted several concerns. The Dominican efforts seemed to be weak in several areas, including government resource allocations, efforts in non-discrimination, universal birth registration and documentation, ill treatment and violence against children, protection from abuse and neglect, and children living in street situations. Moreover, the Committee

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<sup>1</sup> The Committee on the Rights of the Child is a committee made up of independent experts that monitor the implementation of the Convention on the Rights of the Child by country members.

recommended that the Dominican Republic establish an integrated and consolidated plan of action for children's rights, defining concrete goals and time frames. Finally, the Committee noted that the government should provide more funding for children's protective services, especially for services that "reach marginalized and rural communities as well" (Committee on the Rights of the Child, 2008).

As established by multiple reports and observations, children's rights are not carefully guarded, as they should be, according to the excellent laws that the Dominican Republic boasts on paper. Why? There are probably many reasons for why the laws are not being fulfilled. As is common to many developing countries, laws such as these are often not observed simply due to limited and/or corrupt allocation of resources, such as in the areas of police and child protective services. In the Dominican Republic, very little money is invested in its state child welfare agency, the *Consejo Nacional para la Niñez y la Adolescencia* (CONANI), making the agency's efforts weak and ineffective. In a 2003 report (U.S. Department of State), it was found that although government institutions such as CONANI were entrusted to protect child welfare, it was the religious and private social organizations that were actually providing the bulk of these services. Furthermore, it was found in the same report that approximately half of the children in the Dominican Republic are victims of some type of abuse, but due to limited resources and unreliable police services, most of these cases were never reported or rarely reached the courts. Even if a child or a guardian of the child were to seek help in these situations, it is very unlikely that their voices will be acted upon if they are even heard.

In addition to the problem of limited and misallocated resources, child protection laws in the Dominican Republic are often simply unknown or misunderstood by the

public in general. Even more distressing is the fact that critical players in the protection of children's rights, such as teachers or healthcare providers, frequently do not receive training on the subject and they are left in the dark about laws or policies concerning children's rights. At a Peace Corps Dominican Republic conference focused on children's rights of at-risk children that I helped coordinate in May 2012, a facilitator asked a room full of professional Dominican teachers, healthcare providers, and social workers if they were familiar with the declaration that the Ministry of Education had issued a year earlier. The declaration works to protect and further the idea that children's educational rights should be inclusive, implying that any Dominican child should have access to equal educational opportunities, no matter his or her social, economical, or cultural background. Not a single person in the room responded that they were indeed informed of this new code (NNA Conference, May 2012). These professionals, who are entrusted to deliver services to protect and further children's rights, are certainly not able to deliver quality protection if they are uneducated about the most recent legislation and unsure of their roles as protectors of children and their rights.

### **3.4 Invisible Children**

“The situation of children's rights in the Dominican Republic is mixed” (Children's Rights Portal, 2011). Not only are children's rights not carefully guarded among societal strategic players, but there is also a severe inequality among protections that are administered. There exists a large gap between wealthy, privileged children and marginalized, impoverished children, all living on the same side of the island of Hispaniola. Unequal treatment of children in different situations continues, and children



living in marginalized urban areas, poor rural regions, and *bateyes*<sup>2</sup> are often completely excluded from any of the benefits of the Convention on the Rights of the Child and other Dominican laws and policies. However, it is not to say that one population is exclusive from the other: because of a comprehensive lack of information and training on children's rights, children all over the Dominican Republic, no matter their socioeconomic status, suffer a myriad of rights abuses, from discrimination and abuse to sexual exploitation and denial to essential services.

Particularly vulnerable to these abuses include children of immigrants and/or people of Haitian descent, children of single mothers, and children living in poor rural regions of the country (Children's Rights Portal, 2011). More than 40% of the entire population in the Dominican Republic lives below the poverty line, and the children living under the poverty line are more likely to suffer the consequences of human rights abuses on a daily basis (Children's Rights Portal, 2011).

Whether it is a lack of access to quality resources, such as schools and medical care, or withstanding some form of abuse or discrimination, children are far from enjoying even a minimal level of protection in the Dominican Republic. This paper will now examine populations of Dominican children, the invisible children, and the challenges and exclusions they face in relation to their basic rights. By focusing on marginalized populations of children and how human rights can help improve their health, education, and identity, this paper will examine how the implementation of human rights are important for community development.

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<sup>2</sup> A *batey* is a destitute community found in the Dominican Republic that was originally formed around an old sugar plantation before the sugar industry crashed. Hundreds of *bateyes* remain today in the Dominican Republic.

#### **4. HEALTHY CHILDREN, HEALTHY COMMUNITY DEVELOPMENT**

“Article 24 - 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services” (Convention on the Rights of the Child, 1989).

Health is arguably one of the most vital rights that a human being can have. Without one’s physical, mental, and social health, it is impossible to fulfill the full potential of each individual to live a life with some level of quality. For children, both as a more vulnerable population and as our future generation, it is essential that they are able to exercise their rights. Article 25 of the Universal Declaration of Human Rights states that “all persons have the right to health; specifically, children have a right to special care and assistance” (United Nations: The Universal Declaration of Human Rights, 2012), and Article 24(1) of the United Nations Convention on the Rights of the Child declares that children have the right to the best health care possible (Convention on the Rights of the Child, 1989). There exist many laws and policies that work to ensure that children have the right to appropriate and timely access to health care, health education, and prevention programs, such as vaccinations and nutrition awareness campaigns. By enjoying protected rights to health, children are more likely to grow into healthy adults that can contribute to the growth and development of their communities.

Health standards in the Dominican Republic have advanced considerably in the last couple of decades, as can be seen in the diminished rate of infant mortality and other indicators, such as better quality in hospital care. The infant mortality rate in the Dominican Republic, defined as the number of infants dying before reaching one year of

age, has declined from 29.4 deaths per 1,000 live births in January 2002 (Trading Economics, 2012), to 21.3 deaths per 1,000 live births in 2012 (CIA World Factbook, 2012). It is possible that these improvements are attributed to the recent improvements in human rights protection in the Dominican Republic, such as women's rights to adequate maternal health care.

Despite the fact that there exists a universal standard regarding children's right to health, not all parts of the world can deliver these desired outcomes. As in many cases, statistics alone do not always capture every viewpoint of the development picture. Dominican children living in extremely poor families and children of Haitian descent especially are excluded from receiving the health benefits that other children are enjoying. For example, in the Dominican Republic child malnutrition is at 3.1 percent nationwide, 10.5 percent in areas that border with Haiti, and 14 percent among children born to Haitian mothers (UNICEF, 2012). High health costs, rampant discrimination, and inadequate access to quality care, all situations of which are in violation of children's rights, make it so that these vulnerable children are left unprotected.

Dominican children and youth suffer from a myriad of chronic health issues and nutrition problems such as diabetes, anemia and parasites. But perhaps one of the most obvious violations of children's right to health seen in the Dominican Republic is in the area of HIV/AIDS. Despite the progress that HIV/AIDS prevention campaigns and programs have accomplished over the years, the persistence of HIV/AIDS in the Dominican Republic continues. In the Dominican Republic there are 23,000 children aged 0 to 17 orphaned because of AIDS-related deaths (United Nations AIDS Study, 2009), making their future particularly bleak. The adult prevalence of HIV/AIDS in the

Dominican Republic in 2009 was 0.9 percent (Aidsmap, 2013), but rates are said to be much higher in more exposed communities such as tourist areas and beaches, and rural *campos* and *bateyes*<sup>3</sup>. An ENDESA survey conducted in 2002 found that the HIV/AIDS prevalence rate in *bateyes* is 5% above the national average rate (UNICEF, 2012). This fact, combined with the reality that children living in *bateyes* and *campos* have more limited access to health care and other social services, makes them a particularly vulnerable population.

UNAIDS estimates that out of the 62,000 Dominicans that are HIV-positive, 2,700 of them are children aged from 0 to 14. Most of these children became HIV-positive by way of vertical ‘mother-to-child’ transmission during pregnancy, childbirth, or breast-feeding (UNICEF, 2004). One half of these HIV positive children live in orphanages (UNAIDS, 2012). To further compound the spread of HIV/AIDS among children and youth, according to UNICEF survey data, only 35% of adolescents between the ages of 15 and 19 receive HIV/AIDS prevention education (UNICEF, 2012). The absence of effective prevention policies and programs both in and outside of school leaves adolescents vulnerable to HIV infection. According to a United Nations AIDS study, Dominican youth represent 50 percent of all people living with HIV/AIDS, which is a 16% increase from 2004 (United Nations AIDS Study, 2009). More than half of new HIV infections occur in youth between 15 and 24 years old, the same population that scarcely receives HIV/AIDS education (Peace Corps Dominican Republic, 2009).

Adults and children living with and affected by HIV/AIDS face serious stigmas and discrimination daily, which affects the protection of their rights to survival and

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<sup>3</sup> *Campos* and *bateyes* are very rural, marginalized areas in the Dominican Republic. Populations living in these areas generally have lower education levels, inadequate access to health care, and are living in situations of extreme poverty.

development. Dominican law 55-93, *La Ley Sobre el SIDA* (AIDS Law), states that those infected by HIV/AIDS are not to be discriminated against, but this law is not upheld. Widespread discrimination is still occurring in the workplace, in hospitals, in schools, and in communities all around the country.

The effects of HIV/AIDS on children is a two-way street; children whose rights are left unprotected are more vulnerable to HIV infection, and children living with or affected by HIV/AIDS are more subject to human rights violations. Children affected by HIV/AIDS related deaths are often forced to drop out of school, raise younger children in the household, and work to support family members. Moreover, these children will most likely live in situations of greater poverty if an adult wage earner in the household is weakened or killed by HIV/AIDS. In these situations, a child's rights to an education, a healthy lifestyle, equal treatment, community acceptance and security are violated. Because of these rights violations, children affected by HIV/AIDS are simply more subject to abuse and exploitation.

Commercial sexual exploitation, especially among children, has provoked the spread of HIV/AIDS infections. Commercial sexual exploitation is defined by IPEC as “the sexual exploitation by an adult of a child or adolescent below 18 years of age that involves a transaction in cash or in kind to the child or to one or more third parties” (IPEC, 2008). This alarming form of children's rights abuse magnifies the HIV/AIDS epidemic; “Unprotected sex between men and women—especially paid sex—is believed to be the main mode of HIV transmission in this region (Caribbean)” (United Nations AIDS Study, 2009). And not surprisingly, the children most likely to be victims of commercial sex exploitation are children that live in extreme and marginalized

populations. According to IPEC, children who are particularly at risk for commercial sexual exploitation include “runaways, children from dysfunctional families, children of sex workers, homeless children, AIDS orphans, migrant children, children from ethnic minorities and out-of-school children” (IPEC, 2008).

A report written by a fellow Peace Corps Volunteer while working for an organization called *Caminante* described the prevalence of child commercial sex exploitation on a tourist beach located in Boca Chica, near the capital. The serious children’s rights abuses that occur on the beaches of Boca Chica are not only widely acknowledged, but also many times accepted. Those who recognized the rights abuses spoke of how they knew of no way to denounce it in order to protect children in the community, for lack of any law enforcement applied to this issue. Communities are losing these children who might have otherwise grown up to be healthy and active members of society to the sex tourism industry.

In recent years, many organizations have begun to work on HIV and unhealthy lifestyle prevention among children and youth in the Dominican Republic. Peace Corps Dominican Republic has several programs to address these serious issues. *Escojo mi Vida* (I Choose My Life), a Peace Corps initiative that began in 2004, has volunteers working with youth to teach them about making healthy decisions in order to live a healthy life free of sexually transmitted infections, HIV, and adolescent pregnancy. The main objectives of this program are that youth learn how HIV is transmitted and how it can be prevented, how to use a condom correctly, and that they practice at least one of the HIV prevention techniques by being abstinent, faithful to one partner, and/or using condoms (Peace Corps *Dominican Republic*, 2009). According to the Interagency Coalition on

AIDS and Development (ICAD), programs such as *Escojo Mi Vida* are important for the protection of children's rights; "Healthy physical and emotional growth and development, access to information about their rights and about sexual health, and a voice in making decisions that affect them – all among the rights of children – are vital steps that, if begun in childhood, enable people throughout their lives to protect themselves from HIV" (Interagency Coalition of AIDS and Development, 1999). The situation of HIV/AIDS and children in the Dominican Republic is an interesting case that highlights how a human rights approach to health can be an effective mechanism to improve children's health.

Why is the protection of children's health rights so important for development? Community development and child health are two inextricably linked concepts. Poverty is often linked to a child's poor health history, as children growing up malnourished and not receiving any preventative care are usually growing up in poor households. Childhood preventative diseases, such as diarrhea or dysentery, are closely related to a lack of clean water or sanitation. Furthermore, poor health is also related to poor school attendance. Malnourished or chronically ill children are met with barriers to receiving a quality education because of their health conditions.

The protection of children's health rights can be effective in improving children's health, and thus improving community development, but only in a community in an environment in which protective policies are understood and upheld. The future development of communities and nations are in the hands of our children and youth, but if their rights to a healthy lifestyle are being violated, thousands and thousands of people of future generations will be incapable of making strong and progressive steps towards

development. Sick, mentally unstable, or socially abused children are unable to become actively contributing members of society. Furthermore, abused children are more likely to repeat the cycle of violence with their children and spouses, which will only add to an even more divided and broken society. When children are included in all health policies, and their rights to health are protected, their chances at having a healthier future are much brighter, and community development will only flourish after making these challenging but necessary changes.

## **5. CHILDREN AND THE RIGHT TO AN EDUCATION**

“Article 28: Young people should be encouraged to reach the highest level of education of which they are capable.

Article 29: Children’s education should develop each child’s personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures” (Convention on the Rights of the Child, 1989).

The right to education is another fundamental human right, and one that is a critical component for each human being to be able to enjoy all other human rights. At the individual level, the access to education empowers and provides the tools necessary to move forward in life. On a community level, the right to education is essential to the social, economic, and cultural development of all communities. If a person’s right to education is upheld by the country’s policies, that person should be receiving a quality education, which will eventually effect community development. Education can be a very powerful tool, as it gives members of society an opportunity to participate fully and creatively as citizens.



Education begins first with young children acquiring a basic elementary knowledge. In this essential stage of education, children learn not only how to read and write, but they also begin to develop their intellectual and physical competencies. It is through education that a child learns societal values and begins to integrate into the social and, eventually, the professional realms. Education, as a fundamental human right, must be equally accessible to all children, and it should be free, in order to eliminate any form of socioeconomic discrimination. Furthermore, the quality of education should be excellent. An education is deemed excellent when a child's learning objectives are achieved, adapted to any special needs.

Education in the Dominican Republic is far from meeting the universal children's rights expectations. Those who regularly attend primary and secondary school are not receiving quality attention; teachers are poorly trained and poorly paid, the students' needs are not met, and facilities are outdated. In a regional (Caribbean) assessment conducted in 2008, the Dominican Republic came in last in the areas of reading, mathematics and science, ranking 122<sup>nd</sup> out of 132 countries (UNICEF, 2012). Investment in education is barely 2 percent of GDP, whereas the General Education Law (Law 66-97) mandates spending to be at 4 percent (Vargas, 2012).

Despite statistics showing almost universal attendance of primary school in the Dominican Republic, the reality is that children living in rural or marginalized areas in the Dominican Republic have very limited access to an education. Many young Dominicans living in these marginalized communities must walk several miles to a nearby school, or spend money (if they have it) on daily transportation (if it is available). Peace Corps volunteers living and working in very rural *bateyes* speak of very low school

attendance and high dropout rates due to these obvious restraints. Moreover, because many of these children often miss a great deal of school, they are 'failed' and sometimes leave for years before they return. This causes an unequal balance of ages in the classrooms. I taught an HIV/AIDS awareness and prevention course to a 7<sup>th</sup> grade classroom in 2012, where students' ages ranged from 10 to 16 years old. Not only are these children's educational needs and abilities completely different, but they are also on completely different levels of social development.

Although most children (boys and girls) are enrolled in school at some time or another, it is common that after the 8<sup>th</sup> grade many children drop out of school and work full time to increase family income. In UNICEF survey data collected from 2005 to 2010, it was found that only 78% of students that begin primary school actually finish through to the 8<sup>th</sup> grade (Vargas, 2012). Many children are dropping out of school early, and this is linked to poverty. Children are less likely to attend school when their bellies are empty or they cannot afford the required school uniform. The drop out rate for wealthier students versus poorer students is striking; only 12% of low-income students who begin high school will actually finish their studies, compared to 62% of those from higher income brackets in the DR (Dream Project, 2013).

There are several factors that lead to the early drop out rates found in the Dominican Republic. One of the most common reasons is poverty; the impoverished families who depend on their children to help support household income often encourage their children to drop out of school early. Child labor is commonplace in the Dominican Republic, where one in every ten children is obliged to work, especially in the area of agriculture (Children's Rights Portal, 2011). Early drop out rates are not only linked to

poverty, however. A large percentage of children and adolescents do not attend school, or drop out at an early age, because they are undocumented. Despite several attempts by their parents to register their children for school, children are denied their right to education because their parents, and therefore the children, do not have birth certificates. Other factors include dropping out to work in order to cover personal expenses, lack of motivation, and adolescent pregnancies.

The early drop out rate increases other social risks, such as teenage pregnancy, drug use, commercial sexual exploitation, and HIV/AIDS infection. UNICEF studies on juvenile delinquency have found that “young people who engage in criminal activities are not in the educational system” (Vargas, 2012). Without education, young people often do not have access to a healthy space to spend their time and energy. Going to school occupies much of young people’s time, and if they are not attending school, they are suddenly left with an abundance of free time and nothing to do. It is in these situations that drug use and teenage pregnancy become rampant.

Despite the widespread poor quality of education found in the Dominican Republic, schools often have rigid systems of discipline that work against helping children and young people exercise their right to an education. For example, many schools expel their students for having tattoos, wearing earrings or makeup, for fighting, for having to repeat a grade, and teenage pregnancy. I am personally aware that one little boy in my community of La Victoria was expelled because he was illiterate and this slowed the class down for the teacher. Expulsions are far too common, and children and young adults are much less likely to return to school after having been expelled.

Integral protection, to quickly review, is defined as comprehensive protection and vigilance of children and young people by the individuals, the family, and society, in which it is acknowledged that all children have rights and that these rights are important to their development. A great example of the integral protection framework applied in the area of education was observed at the May 2012 National At-Risk Youth Conference in Santo Domingo, when Silveria Cotorreal and Ramona Corniel of the *Instituto Dominicano de Desarrollo Integral* (IDDI), spoke of the ‘triangle of support’ as an integral approach to education protection. In this ‘triangle of support’ concept, the school, the child, and the family all play an integral part in the scholastic success of the child. The child, the facilitators declared, should not be advocating for his or her education alone; the school and the family, they stated, should also play an important role in the child’s success (NNA Conference, May 2012).

Systematic exclusions from the education system, the norm in Dominican schools, run against the very idea of integral protection of the child. By keeping pregnant girls or children of Haitian descent out of schools, for example, society is removing these populations from the mainstream and inserting them into an ‘irregular’ framework. The act of exclusion from school directly strips children and young people of their fundamental right to an education, leaving them vulnerable and completely unprotected. By doing this, the Dominican Republic is only widening social gaps, lending continuation to generations of poverty cycles, and increasing the number of young people that engage in delinquent activities.

## **6. STATELESS CHILDREN: IDENTITY IN THE DOMINICAN REPUBLIC**

“Article 7: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents”

(Convention on the Rights of the Child, 1989.)

From the moment of birth, each individual child has the right to his or her own identity. Having an identity entails having an official name, a date of birth, a gender, and a nationality. Not only does an identity declare one’s existence in a society, but it is also essential to one’s sense of individuality. Parents are responsible for officially declaring these important details for their newborn to authorities upon the birth. This way, the State can officially recognize the existence of this new child by law. While declaring a name, gender, and date of birth are simple matters, claiming nationality can sometimes be more complicated. Children can obtain nationality in one of two ways: by blood (i.e. the child adopts the same nationality as his or her parents), or by birth (i.e. the child obtains the nationality of the country in which he or she is born). By obtaining a nationality, the child becomes a citizen to a specific country, holding all the rights and obligations that the particular country regards by law.

One’s identity allows him or her to enjoy rights according to their status. A child, for example, will have different rights and obligations compared to an adult man or a woman. Likewise, a refugee will have different rights and obligations than a native in one’s own country. With an established identity, a child has access to indispensable services such as healthcare and education, as well as judicial protection from situations of abuse and exploitation.

The Dominican Republic has ratified a number of international covenants and treaties that declare that every child has a right to an identity. Yet UNICEF estimates that

an average of 21 percent of all children under the age of 5 living in the Dominican Republic are not registered with birth certificates, and the number of undocumented children rises to 40 percent in rural areas and *bateyes* (UNICEF, 2012). Lacking a birth certificate in the Dominican Republic essentially renders a child stateless and nameless, implying that their rights are not recognized nor protected by Dominican law. This means that thousands and thousands of children are completely invisible to the eyes of Dominican society.

Existing in a country that does not recognize your existence has serious consequences. Without a birth certificate, and therefore without an identity, a person living in the Dominican Republic cannot attend school past the eighth grade, and upon turning 18, cannot apply for an identity card. Without an identity card, he or she cannot attend university, vote, work in the formal sector, enroll in health insurance and social security programs, open a bank account, own land, receive a loan, get a passport, or travel abroad. Undocumented, stateless people are denied some of the most important civil and human rights that exist.

Why do there exist so many stateless children? The documentation history is a complicated and cyclical one in the Dominican Republic. In the first place, getting an officially recognized birth certificate is not always certain. Parents must go to the civil registry office to declare their child within 60 days of the birth. If they miss that deadline, the process becomes very difficult and convoluted. Moreover, problems such as poor recordkeeping, poverty, costs of travel and required fees, illiteracy, and Haitian-Dominican discrimination create added barriers. A poor, illiterate woman might find the

documentation process of her children too costly and confusing to even begin the process in the first place.

Undocumented, stateless parents are also unable to register their own children at the time of birth, due to impossible administrative requirements and systematic discrimination against people of Haitian descent. A child born in the Dominican Republic may only obtain citizenship if he or she has at least one documented parent. If this child is born to Haitian parents, or even Dominican parents of Haitian descent, it is less likely that his or her parents will be documented. Because undocumented parents cannot register their babies, their children are subjected to endure a similar fate of denied human rights, which directly leads to poverty, poor education, and marginalization. This vicious cycle of un-documentation has affected entire generations of families that have lived in the Dominican Republic for decades. This reality can be seen most clearly among poor people living in rural areas and *bateyes*. It is estimated that 1 to 2 million children and adults of both Dominican and Dominican-Haitian descent in the Dominican Republic, and perhaps more, are lacking either a birth certificate or an identity card.

Despite the 2008 warning from the Committee on the Rights of the Child to take steps to ensure that no children remained stateless (Committee on the Rights of the Child, 2008), the Dominican Republic “remains the largest case of statelessness in the Western hemisphere” (Constantine, 2012). Unfortunately, statelessness most acutely affects children and adolescents of Haitian descent, an already vulnerable population. As of June 2012, it is estimated that 1 million Haitians or people of Haitian descent currently reside in the Dominican Republic (Fox News, 2012), but this number is probably much higher due to many marginalized communities whose populations are sure to be overlooked.

This population includes hundreds of thousands of children and adolescents, and a large future generation of stateless people.

The Convention on the Rights of the Child, adopted by the Dominican Republic, affirms basic human rights and freedoms that “transcend borders regardless of migratory status or nationality” (Convention on the Rights of the Child, 1989). Nevertheless, these special protections have been manipulated by many countries that differentiate between nationals and non-nationals. Controversial changes to Dominican laws in 2004 and the Dominican Constitution in 2010 have attracted much international attention from human rights groups and the Inter-American courts. The changes were targeted at an extremely vulnerable population: youth of Haitian descent. Dominican laws “stripped citizenship from many young people of Haitian descent, barring them from legal employment, education, even marriage” (Constantine, 2012). Since these highly discriminatory law changes, thousands of Dominican youth of Haitian descent have been denied or stripped of their birth certificates and national identification cards, excluding them from access to social services, higher education, legal employment and voting rights.

Peace Corps Volunteers across the country are working on documentation projects in their communities. These projects range from small-scale activities, such as documenting a few children in a community, to large-scale events, such as hosting a documentation drive, in which community members learn about the documentation process, promote awareness, and undocumented people can sign up to begin the process. In addition, Peace Corps Volunteers have started an initiative called *Declaro mis Derechos* (I Declare My Rights), which trains local volunteers to promote documentation rights awareness in different communities, as well as help community members obtain



needed documents. Volunteers work hard to defend basic human rights of highly vulnerable people, and through their work they are able to drastically change a child's future.

The Dominican Republic's laws and policies have denied access to an identity, and thus vital human rights, to thousands and thousands of children. Even more distressing is that the country allows for these undocumented people to continue living in the country so that they can exploit the cheap labor, which is only an extension to basic human rights violation. As these populations of children grow older and are barred from becoming healthy and productive members of society, the Dominican Republic will only see a decline in standards of living, quality of life, and detrimental affects to human development.

## **7. THE VIOLATIONS: A QUESTION OF WHY**

The three areas of health, education, and identity detailed in the context of children's rights were chosen in order to clearly paint a picture of the situation of children's rights in the Dominican Republic in three distinct areas, the violations of these rights, and the importance of protecting them for the sake of community development. Before going on to understand the community changes that are needed to protect children's rights in the Dominican Republic, one must first understand the causes for the children's rights violations described above.

Rights violations cannot be explained in a clear and concise manner, no matter which country is being discussed. All violations occur in complex circumstances, often with many variables involved. In the Dominican Republic, and for many other least

developed countries, the question of why children's rights are violated cannot be answered in a simple way. It can be argued that at the very root of the violations is poverty, but poverty does not materialize from a void. The elaborate relationship between the structural foundations of culture, economics, and politics must be examined closely in order to better understand these grave violations.

Culturally, Dominican children are not considered to be active participants in the community, and so frequently their rights are also not considered to be important. For example, many children fear their parents, as physical and verbal abuse is a common form of discipline. Because of this reason, many children feel that they cannot express themselves or voice a need or worry to their parents or other adults. Furthermore, many Dominican parents and adults do not consider it their duty to have a role in the social and intellectual development of their children. While there are also many Dominican parents and adults who actively support and teach the protection of children's rights in the community, the fact that children are treated as second-class citizens is still very ingrained in the Dominican culture.

The area of economics in the Dominican Republic also affects children's rights violations. As prices of fuel, food, and transportation rise, poor families that live in marginalized areas especially feel the affects. In order to afford food and fuel, many families force their children to drop out of school and work in dangerous jobs, on the streets, or in sex work in order to help the family maintain its household. Because of its economic policies, the Dominican government is generating thousands of illiterate children that perhaps face dangerous health hazards as they are forced into child labor. Moreover, as transportation prices rise, children that live in already marginalized

communities face an even greater barrier to receiving access to quality education and health care. In the same vein, government cuts to social service programs caused by economic constraints influence children's rights violations across the board. Without these essential programs, children's rights violations are continuing to worsen with no outlet in which they can be protected.

It can be argued that Dominican politics are intricately involved in causing the violations of children's rights. Besides the fact that past administrations have been continuously corrupt and have misallocated important social service resources that should have been used to protect children and their rights, politics' role in rights violations goes even further. Although the Dominican Republic is a signatory of both the Universal Declaration of Human Rights and the Convention on the Rights of the Child, the government's policies and actions do not reflect its commitments to these documents. As discussed several times in this paper, the severe issues of racial and socioeconomic discrimination are perpetuated in the Dominican government's politics, and structured marginalization has continued the cycle of constant rights violations. Thousands of vulnerable children are openly attacked by this systematic discrimination and marginalization.

Furthermore, laws and policies to protect and further human and children's rights are simply not upheld. Although the Dominican Republic has endorsed the Integral Protection Framework for protecting children's rights, policies are still very much focused on the antiquated Irregular Situation Framework. This means that prevention programs that help further children's rights are smothered, as the seriously dysfunctional intervention programs such as 'juvenile detention' are still in the forefront. Another

example can be seen in the government's lack of concern for education, and essential right of the child. The government's promise to apportion 4% of the annual budget to education has never been fulfilled. It is clear that the within the political realm, children are not treated as a national priority as they perhaps should be.

## **8. WHERE DO WE GO FROM HERE? FOCUS POINTS**

Upon returning to one of my original research questions – What changes are needed in the community in order to protect children's rights? - I have found that three main objectives must be prioritized in order to achieve this goal. First, all of the barriers to accessing quality social services in the areas of health and education must be dealt with in a more direct, focused effort by the national government. If all children have regular and full access to these quality services, their basic human rights will be met and the nation's future will be brighter. Second, it is key that children have access to safe and healthy community spaces, free of discrimination, such as after school programs, weekend activities, clean parks and recreational areas, and opportunities for community service projects. Without these spaces, children have no positive outlet in which to expend their energy and develop into an active citizen of society. Finally, there must be a great collaboration among all institutions involved in the lives of children in order to monitor policies and programs, share successes and failures, and eventually achieve much improved full protection of children's rights. If each institution has its own doctrine and way to measure its progress, we will never be able to achieve a comprehensive level of children's rights protection.

In order to fulfill these objectives, we must focus on several points:

(1) The best way to eliminate barriers to equal access of quality social services in the Dominican Republic is by enhancing both national and local capacities for better administering social services, especially in the areas of health, education, and birth documentation. There must be given special attention to reducing disparities, as well as improving the scope and the quality of these services.

(1.1) In order to address the disparities seen in access to quality social services, priority must be given to especially vulnerable places in the Dominican Republic such as rural areas, *bateyes*, and other marginalized communities, where children's rights violations occur at a much higher rate.

(1.2) With respect to administering better quality social services, all administrators must be aware of, understand, and act upon the national and local laws and policies established to protect children.

(1.3) Administrators, teachers, health workers, and community members must be trained to identify at an early stage, communicate and collaborate a plan of action that promotes real changes in unhealthy practices and behaviors so that they can assure equal treatment and acceptance for all children.

(2) In order for children to have access to safe and healthy spaces in the community, free from discrimination, the active participation of everyone in the community is absolutely essential. This includes creating an open environment communication, collaboration, and expression among individuals, the family unit, and the community.

(2.1) Community groups must be educated in integral protection policies in order to promote a culture of investment of time and resources on children.

(2.2) Children must be able to participate in the development of these safe and healthy community spaces in order for them to be sustainable. Their voices must be heard, and their opinions must be taken into consideration in the development of community youth groups, programs, and activities. More children and adolescents should be given the opportunity and the support to peer educate in the community.

(2.3) As these safe and healthy spaces will be in the public community, community members must be on board with these changes. Social mobilization in support of children's rights is important to make sure the majority is on board. Children's rights violations must be discussed openly, and solutions must be created in a collaborative manner.

(3) Collaboration among all institutions in the monitoring of policies and programs can only occur with a mutual understanding of what children's rights are, how they have been violated, and what they are trying to achieve.

(3.1) Informational meetings must be held, in which all community institutions come together to gain a general knowledge about children's rights. Periodic meetings must also be held in order to communicate any changes or updates that have occurred in the area of children's rights. This must also become a platform for community institutions to share successful tools and activities to others.

(3.2) All community actors and institutions must come together to design an evaluation, monitoring, and reporting system so that everybody is on the same page as to whether or not the goals and objectives of achieving full protection of

children's rights are being met. All institutions should be responsible for turning in reports and making their work with children transparent.

(3.3) There must be a global commitment and mutual understanding among all community actors to uphold a monitoring and reporting system, so that eventually the protection of children's rights will be universal, up-to-date, and meet agreed-upon standards.

## **9. A UNIQUE VIEW OF DEVELOPMENT AND CHILDREN'S RIGHTS**

“Article 29: Each person has a duty in respect to the community”  
(United Nations: The Universal Declaration of Human Rights, 2012)

As communicated countless times above, widespread children's rights violations in the Dominican Republic directly affect the direction of community development. Without healthy children, there exists a future generation of people unable to become active and productive members of society. Without educated children, there exists a future generation of people lacking the tools to progress and enrich their lives and the lives of others. Without legal identity, there exists a future generation of stateless people who cannot enjoy the opportunities to pull themselves out of the vicious cycles of poverty. Children are the future of development in any country, and they are essential to the process. But how do we ensure that their rights are protected so that they can become a positive part of that process? The answers, I will argue, can be found in child participation as well as community responsibility.

The idea of child participation has been a considerable topic of debate since it was first endorsed by the UN Convention on the Rights of the Child in 1989. According to the

Convention, child participation in the development process is considered a basic right. Children have the right to be informed of their rights, as well as to be heard and considered in decisions affecting their lives. The Dominican Republic also has Law 136-03, article 16, which states that children have the right to “express opinions and be heard, according to their progressive stage of development” (UNICEF, 2012). Child participation, when it is appropriate for their age, context, and maturity, should be present in all dimensions, including the family, the school, the community, and the state.

The right to child participation is an extremely important step for development. Without their voices, there is no other way to truly know if children’s needs are being met or if their rights are being fulfilled. Not only does child participation fulfill rights that are preserved in the Convention and Dominican Law 136-03, but it also empowers children and young adults to apply their own skills and abilities in the process of community development. This is an invaluable tool that will only make children more aware in the future of their community responsibilities as a citizen. Children must have safe spaces in which they can be heard, included and consulted in policies and major development decisions.

Child participation is becoming a much more popular concept and approach for many Dominican non-governmental organizations and agencies that work in the field of community development. UNICEF, for example, has supported several initiatives in which children have an outlet to participate. These include facilitating youth leadership trainings, advocating for youth presentation in the National Human Development Report, and implementing municipal youth councils (UNICEF, 2012). World Vision, another organization, is also committed to empowering children and youth to be participants in



the development processes at the local, national, and international levels (World Vision, 2012). Many more Dominican organizations are beginning to advocate for child participation in the development process, realizing that children are an integral part of the community.

Peace Corps Volunteers in the Dominican Republic also work hard to include children and adolescents in the development process. Not only do youth participate in Peace Corps projects relating to gender equality, self-esteem, service learning, HIV/AIDS prevention, and sportsmanship, but they are also trained to become peer educators, called *multiplicadores* (multipliers). Many youth who have graduated from Volunteer-led programs go on to multiply the information to their peers in their own groups. The Dominican Republic has a huge network of Dominican youth multipliers that are working in the field of community development. These Dominican multipliers are essential to Peace Corps Volunteers' work in the community, making it sustainable and youth driven. Moreover, youth multipliers have the special ability to create a safe environment where other children and youth feel more at ease in sharing their thoughts and ideas about society's issues and solutions for better development.

Children are not the only ones responsible for the protection of their own rights, however. The community and its institutions have an obligation to protect children, further their rights, and incorporate them as an important factor for development. As mentioned before, the state's system for children's services is often overburdened, corrupt, and slow. For this reason, organizations, community groups and schools have the responsibility to come together to provide safe spaces and healthy opportunities for children to enjoy their rights and develop into participating members of society.

It is necessary to plant in the system what is missing through the work of non-governmental organizations (NGOs) and other community agencies in order to provide quality services to replace what the state does not administer. NGOs and institutions are a vital part of the development process, and are the main operators involved in maintaining policies and local doctrine regarding the universal protection of children's rights.

## **10. CONCLUSIONS**

Children are undeniably the future of community development that will lead to raising the standard of living and quality of life for most Dominicans all across the Dominican Republic. The reality is that most Dominicans are living in communities where not even their basic human rights are being protected. Despite Dominican laws and policies that are supposedly meant to protect important children's rights, children living in extreme situations of poverty and marginalized areas face violent racial and socioeconomic discrimination, and only know violations of their rights. Not only do societal strategic players not act upon children's rights, but there is also a severe inequality among protections that are administered. These violations influence community development in several ways. Unhealthy, uneducated, and stateless children are very unlikely to develop into active and productive members of society. The Dominican Republic is a great case in point of how implementing children's rights actually can have a powerful influence on community development. The protection of children's rights benefits not only the individual, but also the society as a whole. Realizing the rights of children everywhere is key to building future healthy communities and nations and achieving sustainable, positive community development.

Children in all countries should enjoy equal and integral protection in life. Prevention programs, taking early action steps, and engaging the individual, the family, and the community in the process of protecting all children's rights equally is essential. Children must be allowed to participate in the community development process, as their input is invaluable. The community development process can absolutely be inherently youth driven if adult mentors give them the opportunities and the support they need to be successful.

We must remember, however, that children are not solely responsible for demanding the fulfillment of their rights; a high level of community responsibility must also be present. By educating community members and institutions about children's rights and their violations, the community will begin to feel more responsibility for following through on their duties as a citizen. At the same time, however, community institutions and NGOs must give community members and groups concrete opportunities to protect those rights.

Considering I opened with a quote by Kofi Annan, I would like to end with an important and relevant message by this contemporary human rights leader. In celebration of International Youth Day in 2001, Kofi Annan declared, "Young people should be at the forefront of global change and innovation. Empowered, they can be key agents for development and peace. If, however, they are left on society's margins, all of us will be impoverished. Let us ensure that all young people have every opportunity to participate fully in the lives of their societies" (Annan, 2001). This message still rings true today, perhaps in an even more critical way than in the past as we all begin to see the ability to

change the future for the better in a developing country like the Dominican Republic by starting with establishing, enforcing, and maintaining children's basic rights.

## SOURCES

- Aidsmap (2013). Dominican Republic. *NAM Publications*. Retrieved August 11, 2012 from Aidsmap.com
- Annan, Kofi (2001). *Saluting International Youth Day, Secretary-General Stresses Fight Against Aids, Unemployment*. United Nations.
- Baez, Clara; Díaz, Felicia (2004). Children and Adolescents at Risk due to HIV/AIDS. *PROINFANCIA, UNICEF*. Santo Domingo. Retrieved August 10, 2012 from [http://www.unicef.org/republicadominicana/resources\\_4577.htm](http://www.unicef.org/republicadominicana/resources_4577.htm)
- Bellamy, Alex J. (2010). Human Rights and the UN: Progress and Challenges. UN Chronicle: Hands in Hands. Retrieved March 30, 2013 from <http://www.un.org/wcm/content/site/chronicle/home/archive/issues2011/7billionpeople1unitednations/humanrightsandtheunprogressandchallenges>
- Casa Abierta (2011). Declaracion Universal de Derechos Humanos. *Impresos Mayobanex*. Republica Dominicana.
- Children's Rights Portal (2011). Dominican Republic. Retrieved May 10, 2012 from <http://childrensrightsportal.org/dominican-republic/>
- CIA World Factbook (2012). *Dominican Republic*. Retrieved February 15, 2013 from <http://cia-world-factbook.realclearworld.com/q/842/8033/What-is-was-the-infant-death-rate-for-Dominican-Republic-in-2012>
- Committee on the Rights of the Child (2008). *UNICEF*. Retrieved July 8, 2012 from [http://www.unicef.org/republicadominicana/english/concluding\\_observations\\_DR\\_CRC.pdf](http://www.unicef.org/republicadominicana/english/concluding_observations_DR_CRC.pdf)
- Constantine, Greg (2012). Erased: Why Tens of Thousands of Haitian Youth Do Not Officially Exist. *The Atlantic*. Retrieved April 12, 2012 from <http://www.theatlantic.com/international/archive/2012/04/erased-why-tens-of-thousands-of-haitian-youth-do-not-officially-exist/255623/>.

- Delamonica, Enrique. Rut Feuk, Nadine Perrault (2010). Challenges: Children and International Migration in Latin America and the Caribbean. *Unicef, United Nations, ECLAC*. Number 11.
- Dream Project (2013). Facts of the Dominican Republic. Retrieved January 10, 2013 from dominicandream.org
- Fox News (2012). Haitian Migrants Must get Dominican Work Permits. Retrieved February 15, 2013 from <http://www.foxnews.com/world/2012/06/11/haitian-migrants-must-get-dominican-work-permits/>
- FUNDEBMUNI (2011). Programa de sensibilizacion para prevenir la violencia infantil en el marco educative y familiar. *FUNDEBMUNI*. Retrieved June 13, 2012 from <http://www.fundebmuni.org>
- Glendon, Mary Ann (2004). The Rule of Law in The Universal Declaration of Human Rights. *Northwestern University Journal of International Human Rights*. Volume 2, April 2004. Northwestern University School of Law.
- Inter-American Commission on Human Rights (1999). Dominican Republic. Retrieved May 20, 2012 from <http://www.cidh.org/countryrep/dominicanrep99/Chapter11.htm>
- Interagency Coalition of AIDS and Development (1999). HIV/AIDS and Children's Rights. Retrieved September 10, 2012 from <http://www.icad-cisd.com/>
- International Programme on the Elimination of Child Labour (IPEC) (2008). Commercial sexual exploitation of children and adolescents- The ILO's response. *International Labour Organization*. Retrieved September 12, 2012 from [www.ilo.org](http://www.ilo.org)
- National Law School of India (2005). The Centre of Child and Law. Retrieved February 19, 2012 from <http://www.nls.ac.in/ccl/jjdocuments/guidelines.pdf>
- NNA Conference (May 2012). Niños, Niñas, y Adolescentes en Situaciones de Alto Riesgo. Santo Domingo, Dominican Republic.
- OECD (n/d). Human Rights and Development. Retrieved May 13, 2012 from <http://www.oecd.org/dac/governanceanddevelopment/humanrightsanddevelopment.htm>
- Palacio del Congreso Nacional (2003). *Ley 136-03 Código Del Menor: Código para la protección de los derechos de los Niños, Niñas y Adolescentes*. Dominican Republic. Retrieved May 11, 2012 from <http://www.scribd.com/doc/12814541/Ley-13603-Codigo-Del-Menor>
- Pan American Child Congress (n/d). Children from Citizenship to Family. *Sierra*.

- Retrieved June 13, 2012 from <http://www.xxcongresopanamericano.org>
- Peace Corps Dominican Republic Youth, Families, and Community Development (YFCD) Project Plan (2012). Peace Corps Dominican Republic.
- Peace Corps Dominican Republic (2009). *Escojo Mi Vida Manual*. Dominican Republic.
- Representing Children Worldwide (2005.) Dominican Republic. *Yale Law School*. Retrieved August 11, 2012 from [http://www.law.yale.edu/rcw/rcw/jurisdictions/caribbean/dominicanrep/frontpage.htm#\\_edn2](http://www.law.yale.edu/rcw/rcw/jurisdictions/caribbean/dominicanrep/frontpage.htm#_edn2)
- Sierra, Dr. Tatiana Ordenana (n/d). *The doctrine of integral protection and the legal regulations currently in force with regard to family*. Pan American Child Congress. Ecuador.
- Stevens, Luc (2012). Human rights development: two sides of the same coin. *The Nation*. Retrieved January 10, 2013 from <http://www.nationmultimedia.com/opinion/Human-rights-and-development-two-sides-of-the-same-30195846.html>
- Trading Economics (2012). *Mortality Rate: Dominican Republic*. Retrieved February 25, 2012 from <http://www.tradingeconomics.com/dominican-republic/mortality-rate-infant-per-1-000-live-births-wb-data.html>
- UNICEF (2004). Implementing Child Rights in Early Childhood. Retrieved June 15, 2012 from [www.unicef.org/earlychildhood/files/Guide\\_to\\_GC7.pdf](http://www.unicef.org/earlychildhood/files/Guide_to_GC7.pdf)
- UNICEF (2012). Dominican Republic. Retrieved June 15, 2012 from [http://www.unicef.org/about/execboard/files/Dominican\\_Republic\\_final\\_approved\\_2012-2016\\_English\\_10Feb2012.pdf](http://www.unicef.org/about/execboard/files/Dominican_Republic_final_approved_2012-2016_English_10Feb2012.pdf)
- United Nations AIDS Study (2009). Caribbean. UNAIDS. Retrieved August 1, 2012 from UNAids.org
- Convention of the Rights of the Child (1989). *United Nations*. Retrieved May 15, 2012 from <http://www.unicef.org.uk/UNICEFs-Work/Our-mission/UN-Convention/>
- United Nations Resources for Speakers on Global Issues: Human Rights (2012). *In Our Hands*. Retrieved June 2, 2012 from <http://www.un.org/en/globalissues/briefingpapers/humanrights/quotes.shtml>
- United Nations: The Universal Declaration of Human Rights (2012). *History of the Document*. Retrieved June 2, 2012 from <http://www.un.org/en/documents/udhr/history.shtml>

U.S. Department of State (2003). *Dominican Republic: Country Reports on Human Rights Practices*. Retrieved May 10, 2012 from <http://www.state.gov/g/drl/rls/hrrpt/2002/18329.htm>

Vargas, Tahira (2012). Children's Right to Education Denied. *UNICEF*. Retrieved June 11, 2012 from [http://www.unicef.org/republicadominicana/english/advocacy\\_partnerships\\_15926.htm](http://www.unicef.org/republicadominicana/english/advocacy_partnerships_15926.htm)

World Vision (2012). Guidelines on Child Participation. Retrieved February 20, 2013 from <http://beta.wvi.org/child-rights-and-equity/publication/guidelines-child-participation>