



DOMINICAN REPUBLIC

Submission to the Committee on the Rights of the Child

94th Pre-Sessional Working Group, February 2023

NGO Report

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 94th Pre-Sessional Working Group of the Committee on the Rights of the Child.

This brief will focus on the following area:

- Special Protection Measures: **Child Marriage**

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our legislative findings, as well as suggested questions for the Committee to ask the Dominican Republic, and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed legislative excerpts documenting our findings. We hope the Committee will recommend that the Dominican Republic address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended the Dominican Republic for having provisions in place, we hope the Committee will recommend that the Dominican Republic work with stakeholders to overcome any obstacles in implementing these provisions.



DETAIL OF LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

1. Special Protection Measures: Child Marriage (Articles 19, 24, 28, 34, and General Comment No. 4)

General Comment No. 4 (2003) states that:

The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

Child marriage has life-long health, educational, and economic consequences. For girls in particular, child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Convention, specifically the right to protection from violence (Article 19), the right to health (Article 24), the right to education (Article 28), and the right to protection from sexual exploitation and abuse (Article 34).

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labour Organization's NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBASE, and official country websites.

THE DOMINICAN REPUBLIC'S LEGISLATIVE PROVISIONS: Recently passed legislation to outlaw marriage under 18

The Dominican Republic passed Law 1-21 on January 2021 with the express goal of forbidding child marriage. This law amended the Dominican civil code to **formally prohibit marriage of children under 18, male or female, under any circumstances**. This is an important development.

Civil Code of the Dominican Republic, amended to 2021

Art.144.- Las personas menores de dieciocho años no podrán contraer matrimonio en ninguna circunstancia

The last available data from the Multiple Indicator Cluster Surveys (2019), prior to the passing of Law 1-21, showed the Dominican Republic displayed high rates of child marriage: 17% of girls aged 15-19 at



the time of survey were married, 9% of women aged 20 to 24 at the time of survey had been married before age 15, and 32% of women aged 20 to 24 at the time of the survey had been married by age 18.¹

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATION

We hope the Committee will:

- In its list of issues, ask the Dominican Republic: Can the Dominican Republic outline the steps it is taking to implement the change in the legal age of marriage?
 - If the Dominican Republic has not formulated specific steps to implement this legal change, recommend that the Dominican Republic develop concrete steps in conjunction with civil society organizations and other stakeholders.
 - Also recommend that these steps include strengthening institutional capacity where needed, and providing adequate budgetary support for implementing agencies.
- In its list of issues, ask the Dominican Republic: Given the high rates of child marriage just prior to the law's passing, can the Dominican Republic provide any information on its plans to routinely monitor and measure the prevalence of child marriage in order to assist with effective implementation?
 - If the Dominican Republic does not have a concrete plan to routinely monitor and measure the prevalence of child marriage, recommend in its concluding observations that the Dominican Republic take concrete steps towards collecting this critical data, and pursue additional methods of monitoring the implementation of this law.

¹ UNICEF data – Child Marriage. Retrieved September 6, 2022 from <https://data.unicef.org/topic/child-protection/child-marriage/>