



AMR 27/010/2012

Mr. Abel Martínez Durán
President of the Chamber of Deputies
Dominican Republic

18 July 2012

Dear Mr. Martínez,

The human rights organizations below are writing to express their concern at the lack of political will in drawing up a shortlist of candidates for the post of Ombudsman and submitting this to the Senate. Eleven years have passed since approval of the law establishing the concept of Ombudsman, and we are therefore writing to you, both in a personal capacity and as President of the above institution, to request your good offices in establishing the post of Ombudsman as soon as possible.

The Dominican Republic has, on more than one occasion, given an undertaking to the Human Rights Council and the United Nations treaty bodies that the office of Ombudsman would be established and yet, with the passage of time, these words are sounding increasingly hollow. This is having an effect on the country's international image, given that it is one of the few Latin American countries now not to have such a body.

In the absence of an independent institution with the primary task of safeguarding people's constitutional rights and conducting investigations into possible violations committed by public officials, which is the purpose of an Ombudsman according to Articles 2 and 3 of Law 19-01, our organizations have to resort to denouncing human rights violations or relying uncertainly on the bureaucratic and prolonged procedures of legal and government bodies.

Our organizations recognize that, over the last few decades, successive administrations have established various government institutions and bodies with the aim of promoting human rights, along with a coordination mechanism, the Inter-Institutional Human Rights Commission (*Comisión Interinstitucional de Derechos Humanos*). We wish to emphasize, however, that the Dominican Republic also needs an independent institution with responsibility for monitoring the protection of human rights and recommending reparation in cases of their violation. It should be recalled that Resolution 48/134 of 1993, adopted by the UN General Assembly, establishes principles for the composition, responsibilities and methods of operation of truly independent and effective national human rights institutions ("Paris Principles").

In the recitals to Law 19-01, the Dominican legislators themselves established "that the institution of Protector of Citizens, Defender of the People or Ombudsman has become a useful tool with which to defend people's rights in relation to the State administration or any public service provider".

From 2009 to 2010, we believed that the establishment of the Ombudsman was imminent. In particular, at the end of the Universal Periodic Review (UPR) by the UN Human Rights Council,



the Dominican Republic accepted the recommendation to “promptly designate the person who will occupy the position of Ombudsman (*Defensor del Pueblo*)”.¹ The new Constitution furthermore expressly included mention of this institution,² also specifying mechanisms for speeding up the Ombudsman’s appointment. Applications were invited in August 2010 and interviews took place in November and December of that year. We do not know, however, whether the Chamber of Deputies has yet presented a shortlist of candidates to the Senate, as anticipated in Article 192 of the Constitution.

Our organizations consider it essential not only to appoint the Ombudsman without delay but also to ensure that the successful candidate is independent and immune from political pressure, with significant experience and a deep knowledge of the human rights system, a gender awareness and a demonstrable commitment to the right of all victims of human rights abuses and violations committed by public officials to file an appeal. The same criteria will need to be adopted when appointing the two substitutes.

We also believe it is essential to endow the Ombudsman with sufficient resources, including competent and independent researchers, to ensure that State institutions cooperate fully with this body and to raise awareness of and explain the role of the Ombudsman to the general public.

Many of the UN’s human rights bodies have, on a number of occasions, repeated³ their call for the post of Ombudsman to be established in order to improve human rights protection in the Dominican Republic.

We wish to show, by means of this letter, that such a body is not only being called for by the international institutions but above all by the Dominican population, who will be the direct beneficiaries of a competently functioning Ombudsman.

In conclusion, Mr. Martínez, we are calling on you to put in place all measures at your disposal in order to speed up the process of appointing the Ombudsman, as stipulated by law and the Constitution, and bearing in mind the considerations we have just noted.

We hope that party-political interests can be set aside so that the Dominican people can enjoy an institution that is essential to improving human rights protection in this country.

Our organizations send their best regards to you and state their express willingness to maintain a dialogue with Congress and any other State institution on this and other human rights issues.

Copy to:

- President of the Republic
- President Elect of the Republic
- President of the Senate
- President of the Supreme Court of Justice
- President of the Constitutional Court

¹ A/HRC/13/3, para. 87.2.

² Section VIII of the Constitution.













³ See, for example, Committee on the Rights of the Child, 1 February 2008, CRC/C/DOM/CO/2, paras. 15 and 16; Committee on the Elimination of Racial Discrimination, 16 May 2008, CERD/C/DOM/CO/12, para. 10; Committee on Economic, Social and Cultural Rights, 19 November 2010, E/C.12/DOM/CO/3, para. 9, and the Human Rights Committee, 29 March 2012, CCPR/C/DOM/CO/5, para. 9.





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