

Dominican Republic: Military use of children

Observations on the sixth periodic report of the Dominican Republic on
the Convention on the Rights of the Child (CRC) (August 2023)

Summary

- **Reporting.** The State Party has yet to submit its report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). The report is now seven years overdue.
- **Child recruitment.** The legal minimum recruitment age is 16. Consent safeguards appear to fall short of the standards of OPAC article 3.
- **Age verification.** Birth registration is not uniform across the State Party. The procedures for verifying the age of military recruits is unclear.
- **Participation in hostilities.** The military law of the State Party does not appear to prohibit participation in hostilities by military personnel under the age of 18 years.

Introduction

The Child Rights International Network (CRIN) and Conscience and Peace Tax International (CPTI) present these comments as part of their project to monitor worldwide compliance of all states with OPAC.

Background

Following extensive ratification globally of OPAC since 2002, approximately three-quarters of states worldwide now allow only adults aged 18 and above to be recruited into state armed forces.

General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence records the Committee on the Rights of the Child's (the Committee) 'deep concern' that adolescent children continue to be recruited into state armed forces (para 81) and specifies that the minimum age for entry should be 18 (para 40).¹

In response to State Parties that continue to allow the military recruitment of children, as is the case with the Dominican Republic, the general practice of the Committee has been to include in its Concluding Observations a recommendation that the minimum age for entry into the armed forces be 18.

¹ UN Committee on the Rights of the Child, [General comment No. 20 on the implementation of the rights of the child during adolescence](#), 2016.

Country situation

Population:	c. 11 million.
Armed forces:	56,050 active personnel (army 28,750, navy 11,200, air force 16,100). ²
Other security forces:	National Police, 15,000. ³
Military service:	Voluntary from age 16. ⁴
OPAC:	Signed 2002; ratified 2014; report not yet submitted.

Issues arising

1. OPAC report long overdue

The State Party ratified the Optional Protocol in 2014, but has yet to submit its report under the treaty.

Military service is not mentioned in the State Party report in the present CRC reporting cycle, such that there is currently no oversight of the State Party's military practices insofar as they affect children.

The armed forces of the State Party are relatively large for its size; low minimum enlistment age is in force; and several important obligations conferred by the Optional Protocol on the State Party appear not yet to have been enacted in domestic law.

The State Party should be strongly encouraged to submit its initial report under OPAC as a matter of urgency.

2. Child recruitment

The State Party's binding declaration, made on ratification of OPAC, allows for the recruitment of children from age 16 with parental consent.⁵

This is authorised in the relevant domestic legislation, *La Ley Orgánica de las Fuerzas Armadas de la República Dominicana* (last revised in 2013)⁶, and reflected on the website for the armed forces (2023).⁷

² November 2022, estimate. Institute for Strategic Studies (London), *The military balance 2023*.

³ Ibid.

⁴ One year's obligatory service was imposed on males aged between 17 and 55, selected by ballot, under the 1947 Compulsory Military Training Act, abrogated in 1961, since when all recruitment has been voluntary.

⁵ '... that, under the Dominican legislation in force, persons enlisting in the armed forces must be at least 18 but less than 23 years of age at the time of recruitment. Persons between 16 and 18 years of age may enlist in the armed forces with the prior consent of their parents or guardians. Recruitment into the armed forces is voluntary in peacetime and forced or compulsory when a state of emergency has been declared in accordance with the Constitution of the Republic. Should compulsory recruitment be imposed, persons under the age of 18 years will not be enlisted, and persons under the age of 18 years who are already enlisted will not be permitted to take an active part in hostilities.'

⁶ Article 97: '*Para ingresar como miembro de las Fuerzas Armadas se requiere: [...] 2. Para los alistados, haber cumplido 18 y menos de 23 años, a la fecha de ingreso. Aquellos en edades comprendidas entre 16 y 18 años podrán ingresar a las Fuerzas Armadas con la autorización de sus padres o tutores.*'

https://mide.gob.do/wp-content/uploads/2021/03/Ley_Orga%CC%81nica_de_las_Fuerzas_Armadas_de_la_Repu%CC%81blica_Dominicana_Ley_139-13-1.pdf.

⁷ <https://www.ejercito.mil.do/servicios/reclutamiento>.

It is unknown how many children are recruited annually and on what terms.

3. Age verification

In 2019, the proportion of births registered was as low as 70% in two of twenty-one hospitals selected for priority action on the issue, according to the State Party report.⁸ No information is given on births taking place outside hospitals.

The State Party's armed forces recruitment website does not state how applicants are to prove their age.⁹

The State Party should be encouraged to redouble its efforts to ensure universal and prompt birth registration.

4. Consent

Although the binding declaration affirms that consent of parents or guardians is required before their child can enlist, no details are given. The *Ley Orgánica de las Fuerzas Armadas* (Article 97) only states that 'autorización' is required, which is distinct from fully informed consent as required by the Optional Protocol. The requirements for consent are also absent from the army's recruitment website.¹⁰

Accordingly, it remains unclear whether:

- parents or children are fully informed of the risks and legal obligations involved;
- the consent of all persons with parental responsibility is required, and whether it may be withdrawn after the enlistment;
- how consent must be offered (e.g. in writing, with a verified signature); and
- applicants are expected to provide documentary evidence of their age.

5. Conscription

The State Party's binding declaration commits not to conscript children even in a time of emergency. In addition, the Dominican Republic was commendably among the first states to ratify the Ibero-American Convention on Young Persons' Rights, article 12 of which reads: 'Young people have the right to form a conscientious objection against compulsory military service.'

These commitments do not yet appear to be reflected in domestic law, however, being apparently absent from the *Ley Orgánica de las Fuerzas Armadas*. No cases of conscientious objection have been recorded.

6. Participation in hostilities

The *Ley Orgánica de las Fuerzas Armadas* does not appear to prohibit the participation in hostilities of children enlisted into the armed forces.

⁸ [CRC/C/DOM/6](#), 2022, para 45.

⁹ <https://www.ejercito.mil.do/servicios/reclutamiento>.

¹⁰ Ibid.

The State Party's OPAC binding declaration is ambiguous on the matter, committing not to use children in hostilities only after a state of emergency has been declared. Deployment in other circumstances is not expressly prohibited.¹¹

7. Refugee children

The State Party report's list of origin countries¹² from which refugees on its territory have come include those where children are affected by armed violence, but the report does not say whether the refugees include children.

Suggested matters to raise

We understand that the Committee may not wish to raise issues arising from OPAC until the State Party has submitted its initial report. We nonetheless encourage the Committee to put the following questions to the State Party in respect of its obligations under the main convention.

- 1. When does the State Party intend to submit its initial report under the Optional Protocol?**
- 2. Does the State Party intend to raise the minimum age for military recruitment from 16 to 18?**
- 3. How many persons aged under 18 and how many aged under 17 are currently enlisted in the armed forces annually. What proportion of total enlistments does this represent?**
- 4. Does the State Party intend to incorporate into domestic law its commitments not to conscript or deploy children?**
- 5. What are the precise terms of service under which children are enlisted?**
- 6. What advance information is made available to potential recruits and where appropriate their parents or guardians on the risks and obligations of military service? What form does the required parental consent take? Is the consent of all persons with parental responsibility required?**
- 7. What procedures are used to verify the age of applicants to the armed forces?**
- 8. What steps are taken to identify child refugees, migrants and asylum seekers who have been or may have been involved in armed conflict? What measures are taken to provide the necessary assistance for physical, psychological and social reintegration?**

¹¹ 'Recruitment into the armed forces is voluntary in peacetime and forced or compulsory when a state of emergency has been declared in accordance with the Constitution of the Republic. Should compulsory recruitment be imposed, persons under the age of 18 years will not be enlisted, and persons under the age of 18 years who are already enlisted will not be permitted to take an active part in hostilities.' UN, *Treaty Collection (Chapter IV: Human Rights, subsection 11b)*, 2023.

¹² Origin countries of refugees in the State Party include Afghanistan, Colombia, Haiti, Honduras, Iran, Nicaragua, Nigeria, Russia, and Venezuela. [CRC/C/DOM/6](#), 2022, para 179.