

Dominican Republic

Concluding observations adopted at the 31st session

268. The Committee considered the fifth periodic report of the Dominican Republic (CEDAW/C/DOM/5) at its 658th and 659th meetings on 15 July 2004.

Introduction by the State party

269. In her introduction, the representative of the Dominican Republic reiterated her Government's commitment to implementing the Convention, as demonstrated by its ratification of the Optional Protocol in June 2001. She pointed to the establishment of offices for gender equity and development in the various state secretariats pursuant to Presidential Decree No. 974-01 as a major step forward in the implementation of a cross-cutting approach to gender in government agencies. In addition, she reported that the National Gender Equity Plan had been improved in its current version by the inclusion of rural women. The Plan constituted the chief instrument to guide the work of development in the various sectors.

270. The representative informed the Committee that in view of the economic crisis the country was undergoing it had signed a new agreement with the International Monetary Fund, which would have a negative impact on the most vulnerable groups, including households headed by women. To address the situation, the Government had adopted measures to mitigate the adverse effects of the crisis, measures that included the elaboration of the National Poverty Reduction Strategy in August 2002 and the implementation of 86 social programmes by the National Planning Office in coordination with the Social Affairs Cabinet. In addition, the State Secretariat for Women (SEM) had submitted a set of proposals, which had been accepted, to ensure that a gender perspective was incorporated in policies to combat poverty.

271. The representative drew attention to various initiatives by the Government to mainstream a gender equity perspective in the areas of education, health, development of rural women and employment. In the area of education, the Government had revised the curricula for the basic and middle levels of education and carried out gender training programmes for teachers. In the area of health, it had instituted the Programme of Prevention and Care of Pregnancy in Adolescents of Limited Resources, the Programme for Mothers, Children and Adolescents and the National Mobilization Plan for the Reduction of Maternal and Child Mortality. The Women's Agricultural Sectoral Office had been established to carry out programmes to train and provide credit to women in rural areas. SEM had conducted national consultations of rural women to identify their priorities and gather information for the agricultural census. In the area of employment, SEM had signed an agreement with the Programme for Micro-, Small and Medium-sized Enterprises (PROMIPYME) to provide technical assistance and financing to women setting up small businesses.

272. The representative informed the Committee about the latest advances in legislation, such as the passage of the Code of Criminal Procedure in 2003, the current efforts to reform the Penal Code and the Civil Code and the passage of the Trading and Trafficking in Persons Act. She said that SEM had made proposals for amendments to the Penal Code to ensure that it guaranteed gender equity in matters relating to violence against women. Some of the most important proposals concerned redefinition of the concepts of genocide, sexual harassment, abduction and abandonment of family and the introduction of the concept of femicide.

273. The representative said that as part of the strategy for combating violence against women, the Government had promoted the passage of Act No. 24-97 on domestic violence in 1997, had carried out gender training programmes for staff of the Public Prosecutor's Office and the National Police and had established safe houses for women who were victims of violence. With regard to trading and trafficking in women, the Government was currently working on a National Plan for Prevention and Prosecution of Trading and Trafficking in Persons and Protection of the Victims. Part of that process involved the creation of seven local networks to prevent trafficking and provide assistance to victims with the support of SEM and the sponsorship of the International Migration Organization and the establishment of the Shelter for Victims of Trafficking with the support of the United Nations Population Fund.

274. In conclusion, the representative reaffirmed her Government's commitment to achieving equality between women and men in accordance with the Convention and assured the Committee of her delegation's willingness to participate in a constructive dialogue.

Concluding comments of the Committee

Introduction

275. The Committee expresses appreciation to the State party for the ample information contained in its fifth periodic report and the additional information on the situation of Dominican women provided in the responses to the list of issues and questions raised by the pre-session working group. The Committee also thanks the delegation for the detailed answers it provided orally, which allowed for a constructive dialogue with the Committee.

276. The Committee expresses its satisfaction at the delegation sent by the Dominican Republic, headed by the Secretariat of State for Women and including officials from the State Secretariats of Education and Labour, which provided a broad perspective on the progress achieved and the obstacles yet to be overcome in order for the country to achieve gender equality.

Positive aspects

277. The Committee congratulates the State party on the establishment of offices for gender equity and development in the various state secretariats by Presidential Decree No. 974-01 with coordination by the State Secretariat for Women as a means of implementing a cross-cutting approach to gender in government agencies.

278. The Committee commends the State party on the implementation of the National Gender Equity Plan, which was designed based on a consultative process carried out between January 1999 and March 2000, with the participation of 26 government bodies and 29 women's organizations and institutions, as an instrument to guide development work in the various sectors.

279. The Committee commends the State party on the establishment of the National Commission for the Prevention of Domestic Violence in November 1998 with the function of coordinating and supervising policies for the prevention of domestic violence and monitoring enforcement of Acts Nos. 24-97 and 14-94 against violence and for the protection of minors, respectively, and compliance with the international agreements ratified by the Dominican Republic.

280. The Committee congratulates the State party for signing the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, in December 2000 and for passing and promulgating the Trading and Trafficking in Persons Act in 2003. The Committee also commends the elaboration of the National Plan for Prevention and Prosecution of Trading and Trafficking in

Persons and Protection of the Victims, which provides for specific measures, such as the promotion of local networks to prevent trafficking and provide assistance to victims and the establishment of shelters for women victims of trafficking.

281. The Committee commends the State party for ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in June 2001.

Principal areas of concern and recommendations

282. The Committee views with concern the serious problems the country is experiencing as a result of the economic crisis, which are having adverse effects on the population in general and women in particular, who constitute one of the most vulnerable groups, since they are at a disadvantage in terms of jobs and wages, and head 33 per cent of households.

283. The Committee urges the State party to develop and implement effectively a general policy of poverty eradication that incorporates a gender perspective and accords special attention to households headed by women.

284. Although the Committee welcomes the reform of the Civil and Penal Codes and the active role that the State Secretariat for Women has played in advancing proposals for the draft bill to amend these codes, it notes with concern that passage of the Penal Code bill as it now stands would constitute a reversal of some of the advances made in the area of women's human rights by eliminating the definition of violence against women contained in Act No. 24-97, reducing the penalties for domestic violence, eliminating incest as a defined crime, penalizing abortion in cases of rape and bringing criminal charges or suspending sentence in cases of rape if the perpetrator marries the minor victim.

285. The Committee requests the State party to play a stronger role in the process of reform of the Civil and Penal Codes, since it offers an historic opportunity to ensure that the new legislation is in conformity with the provisions of the Convention and the principle of equality between women and men enshrined in the Constitution. The Committee urges the State party to push for the proposed amendments to the draft bill to ensure that the new Penal Code will be in harmony with general recommendation No. 19 concerning violence against women.

286. The Committee is concerned that no proposals have been presented for the draft bill to amend the Civil Code so that it would recognize consensual unions as a source of rights.

287. The Committee urges the State party to pursue and facilitate the process of reform of the Civil Code in order to eliminate discriminatory provisions that undermine the rights of women within the family and to have consensual unions recognized as a source of rights.

288. The Committee notes with concern that, although the Constitution refers to the principle of equality, the term used in plans and programmes is "equity", which the State party considers to be a compensatory means of achieving equality.

289. The Committee asks the State party to take note that the terms "equity" and "equality" are not synonymous or interchangeable, and that the Convention is directed towards eliminating discrimination against women and ensuring equality between women and men.

290. Although the Committee welcomes the fact that the National Gender Equity Plan has been enriched as an instrument to guide sectoral development work, it notes with concern that problems have been encountered in its implementation and that no evaluation of the impact of the Plan has been done to date.

291. The Committee urges the State party to create a mechanism for monitoring and evaluating the implementation of the current Plan, so that corrective measures can be taken if necessary. The Committee also asks the State party to include in its next report an evaluation, with statistics, on the impact of the actions, measures, policies and studies undertaken to achieve equality between women and men.

292. The Committee is concerned about the obvious persistence of stereotyped and conservative attitudes, behaviours and images regarding the roles and responsibilities of women and men, which reinforce the inferior status of women in all spheres of life and hamper the practical realization of equality between women and men.

293. The Committee recommends that the State party should formulate policies and carry out programmes directed to men and women and oriented towards the elimination of stereotypes regarding traditional roles in the family, the workplace and society in general in accordance with article 2 (f) and article 5 of the Convention. It also recommends that the State party should continue to encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in both private and public spheres.

294. Although the Committee welcomes the efforts of the State party to combat and eradicate violence against women through the adoption of Act No. 24-97 and the establishment of the National Commission for the Prevention of Domestic Violence, it notes with concern the increase in violence against women in the Dominican Republic. The Committee is also concerned about the use of reconciliation proceedings between the perpetrator and the victim during the pretrial phase, since the outcome could be detrimental to the victim, and about the growing trend towards violence against women during the past eight years.

295. The Committee urges the State party in all its efforts to bear in mind general recommendation No. 19 on violence against women. It also urges the State party to take steps to implement and enforce Act No. 24-97 and assess their effectiveness, as well as to investigate the causes of femicide and other forms of violence against women and take measures to prevent it. The Committee strongly urges the State party to allocate the necessary funds to ensure the implementation of programmes for the protection of victims of violence against women and to train and sensitize law enforcement officers, court officials, judges, journalists and health personnel, including through the use of the media, in order to change social, cultural and traditional attitudes that perpetuate violence against women. The Committee requests that the State party eliminate the use of reconciliation proceedings between the victim and the perpetrator during the pretrial phase in cases of violence against women. The Committee strongly urges the State party to ensure that the perpetrators are duly punished and to guarantee the full protection of women's human rights.

296. The Committee is concerned about the State party's lack of attention to the problem of the exploitation of prostitution and the causes for it, as well as the growing number of Dominican women who are sexually exploited. The Committee is concerned that, although measures have been taken to combat trafficking in women and girls, a growing number of Dominican women and girls are victims of trafficking.

297. The Committee requests the State party to pay due attention to the problem of the exploitation of prostitution and take steps to combat the causes, and recommends discouraging the demand for prostitution. The Committee recommends that the State party take action to provide female prostitutes with economic alternatives, so that they may live in dignity. The Committee requests the State party to take steps to protect women at risk of exploitation and to take stronger action to combat trading and trafficking in women and girls, including the prosecution and punishment

of perpetrators and the provision of adequate support and protection to victims. The Committee recommends the introduction of measures aimed at making such women, particularly teenagers and girls, less vulnerable to traffickers and sexual exploiters.

298. Although the Committee notes the Government's efforts to increase the number of women in political party structures and in municipal government, it remains concerned that there are so few women in decision-making posts in the Government and that article 4, paragraph 1, of the Convention on temporary special measures has not been understood and implemented correctly.

299. The Committee recommends that the State party redouble its efforts to bring about the necessary legislative or procedural changes to ensure the participation of women in political party structures as well as in public and political life. The Committee also recommends that the State party consider adopting temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, to accelerate the full participation of women in political and public life and in decision-making at all levels of government.

300. The Committee takes note of the draft immigration bill which has been submitted to the National Congress; however, it remains concerned about the discriminatory nature of the definition of nationality, which directly affects one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent. The Committee fears that this definition could hamper their access to education and other basic services. It is also concerned about the discriminatory rule that foreigners who marry Dominican women are not automatically granted Dominican nationality, as is the case when a Dominican man marries a foreigner.

301. The Committee urges the State party to promote discussion of the draft immigration bill and to ensure that it complies with article 9 of the Convention through elimination of all the provisions that discriminate against Dominican women and girls of Haitian descent, or any foreigners who find themselves in a similar situation, and against Dominican women who marry foreigners. The Committee requests the State party to include information on the implementation of these measures in its next periodic report.

302. The Committee notes with concern the increase in the rate of unemployment among women, which is three times the rate among men, the persistent wage gap between men and women and the lack of information on the causes of this discrepancy. The Committee is also concerned about the lack of public knowledge of the rights of female domestic workers and the lack of compliance with those rights in accordance with the provisions of Act No. 103-99 on Male and Female Domestic Workers amending the Labour Code. It is particularly concerned that compliance with the rights of female domestic workers is being left to the discretion of the employer and that there may be non-compliance in cases where the female domestic workers are hired by private companies.

303. The Committee urges the State party to ensure de facto equal opportunity for men and women in the labour market through a review of labour legislation to ensure that it is consistent with article 11 of the Convention and is implemented in compliance thereof. It particularly recommends that the State party take the necessary action to guarantee equal pay for women and men in both the public and private sectors by developing policies and measures to that end, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. With respect to the rights of female domestic workers, the Committee urges the State party to take practical

measures to monitor closely and enforce compliance with Act No. 103-99 and assess its effectiveness. It recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid maternity leave, for female domestic workers, temporary employees and workers in the informal and rural sectors.

304. In spite of the existence of legislation on child labour and the efforts and programmes to eradicate the practice, the Committee is highly concerned about the high rate of child labour that persists in the Dominican Republic and the fact that work done by girls over the age of 10 is included in the official statistical data on the labour force.

305. The Committee urges the State party to continue its efforts to eradicate child labour, to support education as a means of empowering those boys and girls in the future, to ensure that there is clear comprehension of and effective compliance with the minimum working age and to remove data on child labour from the official labour force statistics.

306. The Committee is deeply concerned about the situation of women working in the free-trade zones, who make up 53 per cent of the total workforce in this sector, in view of the persistence of discriminatory practices, such as the exclusion of women on the grounds of pregnancy, compulsory pregnancy tests as a condition for employment and the incidence of violent acts such as sexual harassment in contravention of Article 209 of the Penal Code, which protects women from sexual harassment in the workplace, and in contravention of Act No. 24-97, which protects women against all types of violence. The Committee also is concerned about the working conditions of women in the free-trade zones, which violate health and industrial safety regulations.

307. The Committee recommends that steps be taken to ensure the implementation of labour legislation in free-trade zones, in accordance with article 11 of the Convention and to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy. The Committee also recommends the institution of measures for the implementation and enforcement of legislation on sexual harassment and other forms of violence against women, in order to guarantee the protection of women employed in free-trade zones and the punishment of the perpetrators.

308. The Committee notes with concern the increase in the number of cases of sexually transmitted diseases and HIV/AIDS. It is also concerned about the violation of the human rights of infected persons, the majority of whom are women, who are denied access to employment and adequate medical services. The Committee is concerned that these women are largely prevented from obtaining adequate health services, including those directed towards cancer prevention. The Committee expresses concern about the high rates of female mortality and morbidity, of which unsafe abortions are among the primary causes.

309. The Committee recommends the adoption of measures to ensure that women, especially young women, the disabled and women living in rural areas, have access to information and health services, particularly those relating to sexual and reproductive health and cancer prevention. Such measures are essential in order to reduce the rate of maternal mortality, prevent women from resorting to unsafe abortion and protect women against the negative effects on their health. In this regard, the Committee recommends that the State health services should provide an abortion when the pregnancy is a result of rape or when the mother's health is in danger. It also recommends the development of programmes and policies to increase knowledge of and access to contraception, bearing in mind that family planning is the responsibility of both members of the couple. The Committee also recommends promoting sex education widely,

particularly for adolescents, with special emphasis on combating sexually transmitted diseases and HIV/AIDS. The Committee also requests the State party to adopt measures to eliminate discrimination against women infected with HIV/AIDS.

310. Although the Committee acknowledges the State party's efforts to provide gender-disaggregated statistics, the report contains an insufficient amount of gender-disaggregated data and data on rural women.

311. The Committee recommends that the State party compile more comprehensive gender-disaggregated statistical data and urges it to include in its next report statistics on the evolution of its programmes and their impact on the female population, particularly rural women.

312. The Committee requests the State party to respond to the specific recommendations contained in these concluding comments when it submits its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth report, which was due in October 2003, and its seventh report, due in October 2007, in a combined report in 2007.

313. Taking account of the gender dimensions of the declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly, special session for an overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of the aspects of those documents relating to relevant articles of the Convention in its next periodic report.

314. The Committee notes that the accession of States parties to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families reaffirms the protection of the human rights and fundamental freedoms of women in all areas of their lives. The Committee therefore encourages the Dominican Republic to consider ratifying the treaties to which it has not yet acceded, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

315. The Committee requests the State party to disseminate the present concluding comments widely in order to make the people of the Dominican Republic, in particular government administrators, political representatives and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the further steps required to achieve that end. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the general recommendations of the Committee on the Elimination of Discrimination against Women, the Beijing Declaration and Platform for Action and the results of the twenty-third special session

of the General Assembly, entitled “Women 2000: gender equality, development and peace in the twenty-first century”.