



## **List of critical issues submitted to the CEDAW Committee October, 2012**

### **(1) Arts. 2, 3 and 4. -Discrimination**

The Dominican State has given an important step towards the recognition of the human rights of women establishing legal equality between men and women in article 39 of the Constitution of 2010 and the commitment of the State to eradicate inequality and gender discrimination. The same article mandates the State to promote and ensure the balanced participation of both sexes in the nominations to the posts of popular election, the administration of Justice and State control bodies.

Although Dominican law has progressed in terms of formulating laws, Dominican society preserves within their cultural practices distinctive characteristics and customs based on the discrimination against women, promoted from State<sup>1</sup> institutions and, among other methods, by means of communication, even if they are not based on legal norms these affect directly or indirectly the enjoyment of women human rights.

As an example of the above it should be noted the large number of excluded domestic workers from entitlement to social security. According to the National Bureau of statistics, 5% of the economically active population is engaged in this type of work, of which 96.5% is composed by women<sup>2</sup>. Despite the alternative procedures that have been created by the trade union sector, the Dominican system of Social Security (SDSS) does not include protection for this type of workers.

#### **Questions to the State:**

1. What measures has the State taken to eliminate the social and cultural patterns and discriminatory practices against women promoted from public and private institutions?
2. How many domestic workers are registered in the Dominican system of Social Security? What is the percentage respect to the total population of beneficiaries?

### **(2) Article 5. Violence against women in the Dominican Republic**

According to the Attorney General, from 2005 to 2011, 1383 women have been victims of femicide<sup>3</sup>, in the period January-July of 2012 more than a hundred<sup>4</sup>.

In 2010 the Prosecutor's offices across the country received a total of 60,000 complaints of gender violence and also 60, 000 the previous year<sup>5</sup>. Of the complaints received in the first year, only 4% reached the courts<sup>6</sup>. The amount of convictions and/or processing of cases of violence against women are not closed to the number of complaints. In 2010

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<sup>1</sup> <http://listindiario.com.do/la-republica/2009/2/4/89976/Secretaria-de-Educacion-limita-la-ropa-que-puede-usar-su-personal>

<sup>2</sup> <http://www.one.gob.do/index.php?module=articles&func=view&catid=207>

<sup>3</sup> [http://transparencia.pgr.gob.do/Repository/Documents/Estadisticas/Informe\\_femicidios\\_2005-2012\\_Enero-Febrero.pdf](http://transparencia.pgr.gob.do/Repository/Documents/Estadisticas/Informe_femicidios_2005-2012_Enero-Febrero.pdf)

<sup>4</sup> <http://www.hoy.com.do/investigacion/2012/7/16/437231/El-preocupante-crecimiento-estadistico-de-los-femicidios>

<sup>5</sup> <http://www.listin.com.do/la-republica/2011/3/22/181943/Fiscalias-recibieron-60-mil-denuncias-de-violencia-intrafamiliar-en-el-2010>

<sup>6</sup> <http://www.elmunicipio.com.do/contents.aspx?menu=2&noticia=4906>

of 10,000 complaints only 476 cases of violence against women received judgment, with only 66 convicted offenders<sup>7</sup>; This figure is an indicator of a management system that is not focused in the effective sanction, or worse still, on effective prevention, impunity remains the norm.

The system of care for survivors of violence against women remains weak and sits on the public prosecutor's Office. This institution has 15 units of attention to gender domestic and sexual violence, and is located in the Prosecutor's offices of 14 capital cities of provinces throughout the country. However, these units work with great precariousness, with few staff members that operate in permanent burn-out.

There are formal deconstruction of violence programs for men only in the two biggest cities in the country, in a trend towards the urbanization of the services. There is no public defender service for the victims to a vast majority of cases that go to trial, and the lawyers as litigants are unaware of the complexity of the phenomenon of the gender violence, which tends to the survivors revictimization.

There are few NGOs working in attention to women victims of violence due to the scarcity of resources, State funding and international cooperation agencies.

### **Questions:**

1) What percentage of the general budget of the nation is dedicated to public policies with a gender perspective which contribute to the Elimination of discrimination and violence against women?

(2) Which systematic measures does the state use for the training of prosecutors and judges attending the victims of this phenomenon?

### **(3) Article 6. Human Trafficking, especially women and girls**

The policies set out in the National Plan against trafficking have not received government funding. The activities have been implemented selectively, especially focused on the training of public officials and not focused on the assistance of victims. There are reported cases of internally treated girls and women around the world who have not received the proper comprehensive assistance and reintegration for lack of intergovernmental coordination and breach of roles. Since 2007, prevention campaigns have not been implemented and there have been only 3 sentences against trafficking.

At the same time, immigrant and migrant women have been victims of violation of their rights in alleged attempts at preventing the trafficking and illicit traffic.

### **Questions:**

- 1) What is the number of judgments issued condemning cases of trafficking of women and girls, domestically and abroad, for the purpose of sexual exploitation?
- 2) Would DR engage in the next National Plan against Trafficking? If so, which would be the national budget assigned for victims assistance?
- 3) Which is the governmental office in charge of coordination trafficking victim's assistance?

### **(4) Article 7. Political participation**

Despite the constitutional provision which obliges the State to promote balanced participation in nominations for positions of direct election and in decision-making positions, the participation of women in the State decision-making bodies remains very low. This formulation of the Constitution contemplates the implementation of participation for gender parity, however, in interpretive terms has not been defined this scope.

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<sup>7</sup> Source: Declaration for Human Rights Day 2011, signed by several feminist and Dominican women movement institutions, among them: CLADEM-RD, Funceji, MODEMU, Red Nacional de Jóvenes, COIN, CIPAF y CMS.

Recent designations from the Presidency<sup>8</sup> in forthright terms violated the Constitution as it fails to comply with the obligation of balanced participation, because only 4 of 21 ministries are directed by women. At the level of Congressional representation, of a total of 183 members, 38 are women (20.8%); in the Senate, 32 in total, 3 are women (9.4%). At the local level, in past elections in 2010 for the first time reached the minimum of 33.3% in municipal council's positions; however, women mayors reach only 7.7%, declining four points compared to 2006<sup>9</sup>.

The National Congress is currently analyzing a bill about the regulation of political parties; such a proposal constitutes an important opportunity to establish legal measures to provide for mechanisms that comply with the constitutional obligations.

### **Questions:**

- 1- What measures considering the new proposed bill on political parties are being taken to ensure the constitutional obligation of balanced participation of men and women in the candidacies and positions at the State?
- 2- Are there sanctions to the parties for violations?
- 3- Considering the project above, are there any obligations to the political parties to educate their members about gender and human rights?

### **(5) Article 10. Right to Education**

The Ten-Year Education Plan 2003-2013 approved the inclusion of a gender perspective in all areas of education in the Dominican Republic, also the Curricular Reform 95-6, from 2004 formally incorporated into the education system in the axis of gender education in the curriculum. Despite these advances, the lack of budget for the modification and updating of the educational curriculum and the education of teachers in gender equality and equity, have eroded the real progress in public primary and secondary education, whereas the education in the Dominican Republic ranks second to last in quality according to international measurement systems, in Latin America and the Caribbean<sup>10</sup>.

Currently, the young Dominican women are forming in the technical high school in the areas of nursing, food and services, these training options can be explained by the perpetuation of stereotypes in schools and the structure of the Dominican labor market, which offers women alternatives work mainly in the informal sector or in low productivity and quality jobs as workers of services.

### **Questions:**

- 1- What measures are being taken to grant education the budget allocated by law?
- 2- Is there an evaluation in progress of textbooks, teachers and the education curriculum?
- 3- Young women disproportionately choose technical education in traditionally female careers, with very low wages and in the services area; what steps are being taken to encourage choices in careers in high demand in the labor market?
- 4- The majority of teachers in the education system are women who work two or more shifts with very low wages -Are women represented in leadership positions in the education system? -What conciliatory measures and budget allocation are being taken to create decent work for these women?

### **(6) Article 11. Right to work and employment**

The national context with respect to quality jobs is exacerbated by the global crisis that particularly affects the small open economies like the Dominican Republic. The low capacity to generate employment affects high unemployment

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<sup>8</sup> Ministry of Education, Women, Labor and Superior Education.

<sup>9</sup> <http://www.jce.gob.do/Portals/0/miembros/JAAR/PonenciaMagAquinoCongresoLatinoamericanoCienciasPolitic2010.pdf>

<sup>10</sup> Human Development Report, "Política social: Capacidades y Derechos" Volumen I- UNDP 2010.

rates exceeding two digits for the period 2000-2011 and in the case of women above 20%. Of the 140,000 new jobs created in 2011, only 31% were held by women, so female occupational rate for 2011 was 35.5%<sup>11</sup>.

While the new Dominican Constitution of 2010 in Article 62, Section 9 guarantees equal pay without discrimination by gender, while the wage gap between men and women have declined in recent years, it is still visible in all occupational groups<sup>12</sup>. The country has no childcare facilities sufficient to meet domestic demand for women to combine family responsibilities with the obligations relating to employment<sup>13</sup>.

Article 37 of the Dominican Labor Code prohibits sexual harassment in the workplace, however it has been determined that 31.7% percent of Dominican women are victims of sexual harassment in the workplace, both in the public and private sectors<sup>14</sup>.

### Questions:

- 1- What policies are being developed aimed at bridging the gaps in labor and equal access to the labor market?
- 2- What sanctions foreseen Dominican laws against sexual harassment in the workplace? And how many people have been convicted of this crime?
- 3- How many child care centers are in the Dominican Republic? Is there an allocation of money in the 2013 government budget for these centers?
- 4- What measures are being taken to improve the situation of workers who combine work responsibilities with the attention and care of their families?

### (7) Article 12. Right to health<sup>15</sup>

The rate of maternal mortality for the period 1992-2002 was 178 on 100,000 live births and 159 over 100,000 live births for the period 1997-2007<sup>16</sup>. Confirmed maternal deaths were: in the year 2008, 190; in 2009, 215; in 2010, 201; and in 2011, 175. The Dominican Republic goal for 2015 within the Millennium Development Goals (MDG - 5) is to go down to 46.9 per 100,000 live births<sup>17</sup>.

On adolescent pregnancy, the percentage of females aged 15-19 who were a mother in 2007, was 16.7%, against an 18.9% in 2002. In the case of women in rural areas this percentage is 20.4%. The proportion of adolescent women who are mothers presents significant differences by level of schooling, and levels of wealth. In the case of women without education, this percentage is 42.2% versus 3.6% of women with higher education, for the bottom quintile of wealth, is 30.5% versus 5.7% for the top quintile.

Article 137 of the Dominican Criminal Code establishes the **absolute criminalization of abortion without exceptions**.

Rosaura Arisleyda Almonte Hernandez "Esperancita", was a 16 year old girl who was left to die in the eyes of the entire population and national and international press. Rosaura was suffering from leukemia and was pregnant with eight. The SEMMA<sup>18</sup>, medical centre, denied the therapeutic abortion despite the requirement of Esperancita's mother. The child and her mother were subjected to torture and victims of violation of their human rights.

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<sup>11</sup> Presentation on "Economic rights of Dominican women and their participation on the labor market" by Consuelo Almánzar- Instituto Tecnológico de Santo Domingo – February 9th, 2012.

<sup>12</sup> Idem

<sup>13</sup> "Política Social: Capacidades y Derechos"- Human Development Office- UNDP, p22

<sup>14</sup> Consuelo Almánzar, Opt. Cit.

<sup>15</sup> Report made by Colectiva Mujer y Salud- under *Ciudadanía Activa de las Mujeres* program.

<sup>16</sup> CESDEM. Demographic and Health Poll, 2002 y 2007. Santo Domingo, Dominican Republic.

<sup>17</sup> Report - *Situación Epidemiológica de Eventos bajo Observación del Plan Tolerancia Cero*, December 2011, Public Health ministry.

<sup>18</sup> Governmental nature.

**Use of contraceptive methods.** In the Dominican Republic has been sustained increase access and use of contraceptive methods and the State has been taking responsibility for its provision. However, there are still some gaps and problems, for example, contraceptives are not within the package of essential medicines for sale in popular pharmacies. There are difficulties in the introduction of methods of barriers, for example the female condom, which has never passed programs pilots. Policies and programmes have had an emphasis on sterilization. There is an evident lack of promotion campaigns aimed at young people, and focused on the use of contraceptives. There are also deficiencies in offering contraceptive post exposure of sexual violation and lack of promotion methods aimed at men.

The 2007 ENDESA<sup>19</sup> showed that 54% of women aged 15-49 used some method of contraception. The most widely used is female sterilization with 33.9% followed by the pill with a 9.5%.

**Breast and uterus cancer.** The incidence of cancer in the population is approximately 29 cases per 100,000 inhabitants, being the higher incidence in women with 39.3/100,000 women, while in men it is 18.4/100 thousand men. Breast cancer accounts for 35% of the cases of cancer in women, followed by the cancer of cervix with 26%. According to the ten year Plan of health<sup>20</sup>, the coverage of the Pap smear in women of childbearing age does not reach 10% and was concentrated in less than 25 years. They also indicate that the loss of cases detected before being properly treated is very high.

**Feminization of HIV/AIDS.** In the Dominican Republic at the beginning of the HIV epidemic, the male-female ratio was 1/7, however, at present, according to the 2007 ENDESA, the prevalence of HIV in the general population is the same for men and women (0.8%). But for some specific groups, the prevalence is higher in women, for example, adult women without formal education have a higher prevalence of HIV (3.7%), in comparison with men in that same education category (1.6%). For women aged 15-24 years the rate is 3.9%, versus 1.0% of men of the same subgroup.

The young population is a higher prevalence of HIV in women located in the bottom quintile of wealth to men in the same quintile (1.1 in women and 0.6) for men.

## Questions

- 1- Which measures does the Dominican State plans to take to achieve the set goal for 2015?
- 2- What is the budget allocated to the intended goal?
- 3- How will the State involve civil society and women's organizations in the plans of reduction of maternal mortality?
- 4- What does the State do to include sex education in the schools as a way to prevent pregnancies in adolescents?
- 5- What measures are contemplated to prevent teenage mothers to abandon their studies?
- 6- What measures intends to take the State to decriminalize the interruption of pregnancy when there is danger to the life and health of the mother?
- 7- What measures will the State take to meet the unmet need for contraception?
- 8- What measures intends the State to take to include methods of contraception within the package of essential medication?
- 9- What measures do you intend to reduce the prevalence of breast and uterus cancer?
- 10- Which measures intends to the State take to reduce the prevalence and incidence of HIV and AIDS in women?
- 11- Which measures intend the State to take to guarantee universal access to anti-retroviral coverage? What percentage will be devoted to the reduction of vertical transmission?

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<sup>19</sup> Encuesta Demográfica y de Salud- Demographic and Health Poll.

<sup>20</sup> Plan Decenal de Salud (PLANDES), 10 Year Health Plan- 2006-2015