



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
Fifty-fifth session**

Summary record of the 1136th meeting

Held at the Palais des Nations, Geneva, on Friday, 12 July 2013, at 10 a.m.

Chairperson: Ms. Ameline (Vice-Chairperson)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined sixth and seventh periodic reports of the Dominican Republic (CEDAW/C/DOM/6-7; CEDAW/C/DOM/Q/6-7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Dominican Republic took places at the Committee table.*
2. **Ms. Germán** (Dominican Republic), introducing the State party's combined sixth and seventh periodic reports (CEDAW/C/DOM/6-7), reiterated her Government's commitment to gender equality, despite the many challenges that lay ahead. She said that economic growth in the Dominican Republic had resulted in a considerable reduction in poverty and income inequality. The illiteracy rate had fallen significantly and gender differences in access to education were diminishing. Women were represented at high levels in public administration, politics and the judiciary, and plans to introduce legislation to bring about political parity were under discussion. The number of female judges had increased and almost half of the State party's public officials were women, although as yet only 15 per cent occupied management positions.
3. The Government had launched a number of programmes to empower women and create economic opportunities to help them rise out of poverty and to combat domestic violence. Those included programmes to help women and their families overcome the impact of violence and promote non-violent masculinity, offer credit to women, especially single mothers, to set up small businesses and to provide comprehensive care for preschool children.
4. Further measures adopted to combat violence against women included: amending the Criminal Code, including criminalizing femicide, punishable with 40 years' imprisonment; setting up a free 24-hour helpline for women to seek advice and protection and report cases of violence; establishing women's shelters; drafting guidelines for the ministry responsible for addressing gender-based violence; designing software for a central violence complaints registration system; creating a national commission to prevent and combat domestic violence; and implementing a policy providing secondary school students with 60 hours of compulsory studies that would raise awareness of violence against women and teenage pregnancies and promote shared family responsibility.
5. The Government had focused efforts on other key issues such as improving education and eradicating illiteracy; combating human trafficking and sexual exploitation for commercial purposes; ensuring that women with disabilities enjoyed their full rights and fundamental freedoms; ensuring adequate maternal and child health-care provision; implementing national policies to prevent teenage pregnancies and to provide instruction in schools on sexual and reproductive health and on the elimination of gender stereotyping; decriminalizing abortion when the mother's life was threatened, although abortion in cases of incest and rape remained a criminal offence; increasing training opportunities for women, especially in non-traditional roles; developing a road map to eradicate child labour; creating a mechanism to integrate women workers into the formal sector to ensure that they enjoyed their full employment rights; introducing universal social security coverage; ratifying the ILO Domestic Workers Convention, 2011 (No. 189); promoting equal pay and equal access to employment; and ensuring adequate budget funding to mainstream gender equality in all government strategies, policies and plans.

Articles 1 to 3

6. **Ms. Bareiro-Bobadilla** asked whether in practice international treaties were directly invoked in national courts, in accordance with article 74 (3) of the State party's Constitution. How was information on the Constitution and the Convention disseminated to the general public, particularly to women and public officials? She asked whether the State party had availed itself of the Optional Protocol to the Convention and whether it was being widely disseminated. She enquired about progress made in decriminalizing abortion when the life of the mother was threatened and in cases of pregnancy resulting from incest or rape. She called for national legislation with an explicit definition of discrimination against women, in line with article 1 of the Convention. She asked what steps would be taken to ensure that the children of women illegally resident in the Dominican Republic, in particular Haitians who had taken refuge following the earthquake, were granted nationality. Lastly, what measures had been adopted in the State party to ensure full compliance with the Convention's provisions on domestic violence?

7. **Ms. Pomeranzi**, after welcoming the achievements made during the reporting period, expressed concern that the budget for the Ministry of Women had not been increased in the previous five years. Noting that gender was included as a cross-cutting issue in the National Development Strategy, she asked how gender issues would be fully integrated in the Strategy and what tools and how many staff were available for that purpose. Moreover, how would the gender equality indicators be evaluated? She also expressed concern about a possible lack of coherence between the various government policies in connection with the implementation of the National Development Strategy and about the sustainability of the Ministry of Women; the Committee had received reports that the Government had plans to merge it with other ministries.

8. **Ms. Rodríguez** (Dominican Republic) said that, in line with article 74 (3) of the Constitution, international treaties ratified by the Dominican Republic could be invoked directly in the courts. As the Constitution was new, however, it had not yet been widely disseminated and therefore many stakeholders had not had time to become familiar with it. There were many actors involved in the process of changing legislation on abortion. It was a sensitive issue because the Dominican Republic was a conservative society, heavily influenced by the church. Nevertheless, a law legalizing therapeutic abortion had recently been adopted by the Chamber of Deputies and the next challenge was to ensure that the Senate endorsed the decision.

9. **Ms. Graciano** (Dominican Republic) said that a number of measures had been adopted to increase women's participation in political life. There was a bill under discussion that would make it mandatory for political parties to include 33 per cent of women on their electoral lists. As for the granting of nationality to the children of women who were illegally resident, under Dominican law, permanent residence could not be granted to persons in transit, but they could register the birth of their children at a special registry for aliens so as to avoid their statelessness.

10. **Ms. Lizardo** (Dominican Republic) said that emphasis was placed on the rights of women throughout the Constitution, including by explicit references to gender equality in employment rights, rights for domestic workers, maternity rights and family protection. The Dominican Republic was undergoing a major reform of its legal machinery to strengthen its constitutional mandates. All strategies, policies and plans should mainstream gender, and training had been provided to ensure that public officials in all departments, particularly in the judiciary, had the tools to do so. A monitoring mechanism had been set up to examine the various gender equality indicators, to evaluate their performance and to identify areas for improvement.

11. While the Ministry of Women clearly required a budget large enough to sustain core programmes, it was important to note that many programmes designed to guarantee equality and fundamental rights, such as access to justice, health care and education, fell under the purview of other ministries. Thus, in order to obtain an accurate measure of the resources allocated to gender equality and women's programmes, a broader analysis that extended beyond the Ministry of Women was needed. Mindful of that need, the Budget Directorate and Ministry of Finance were investigating possible changes to the budget classification system that would allow for greater clarity in budget execution across the entire public administration. She was, however, able to report that the budget allocated to education and social security had risen significantly in 2012.

12. **Ms. García** (Dominican Republic) said that the Government was about to conclude a review of the National Gender Equality and Equity Plan for 2007–2017, which had reached the halfway point in December 2012, to verify that its measures were being properly executed and effectively coordinated. Upon the Plan's inception, the Ministry of Women had devised a set of indicators for each area and would be publishing a report detailing the advances achieved once the review was complete.

13. **Ms. Germán** (Dominican Republic) said that there had been a proposal to merge the Ministry of Women with the ministries responsible for children and persons with disabilities into an umbrella ministry for social development, but that the proposal had failed to garner sufficient support.

14. **Ms. Patten** asked what concrete efforts had been made to address the case backlogs, high legal costs and other obstacles that had impeded access to justice for women, whether an efficient legal aid system was in place and whether the functions of the Justice and Gender Observatory included conducting gender impact analyses of national laws. She would also like to know whether the State party's report had been considered in parliament prior to its submission and whether parliament would be involved in evaluating and implementing the Committee's concluding observations and recommendations.

15. **Ms. Pomeranzi** asked whether the review of the budget structure and classifications was likely to lead to the adoption of gender budgeting tools of the kind adopted in many countries in the last 10 years, which had proved an effective way of assessing the fairness of resource distribution and the corresponding impact on women's lives. She would also like to know about the relationship between Government policies and programmes and women's NGOs.

16. **Ms. Šimonović** asked whether effective remedies were available for persons who considered that their rights under the Convention had been violated, given that both the Convention and the Optional Protocol had constitutional status under the new Constitution. She also asked whether law enforcement officials were given proper instruction in the Convention and its provisions in order to encourage their application in the administration of justice.

17. **Ms. Schulz**, noting that in its introductory statement the State party had made no reference to the multiple discrimination suffered by black women, particularly women of Haitian descent, said that she would like information about any specific strategies or programmes in place to protect and assist them and other vulnerable groups of women. Referring to paragraph 64 of the report concerning the National District and Municipalities Act, she asked whether the fact that the law referred to "equity" rather than "equality" weakened the guarantees of equal treatment that it contained, and sought the State party's assurances that equality was always the foremost aim and that equity was a complementing but never a substitute aim.

18. **Ms. Bareiro-Bobadilla**, noting the power that the church wielded in the Dominican Republic and that some churches were even represented within the Office of the President,

wished to know how the Government ensured that all persons were able freely to practice the religion of their choice and that their religious practice or belief was not an impediment to their rights.

19. **Ms. Reyes** (Dominican Republic) said that it was unfortunately true that the lengthy and bureaucratic procedures involved often led victims of gender-based violence to withdraw their complaints before going to court. However, free legal assistance was available to all victims through a nationwide network of offices and, in principle, there were no restrictions on or obstacles to access to justice. Instruction on the Convention, the Optional Protocol and gender mainstreaming was provided to prosecutors, judges and other professionals likely to be involved in the provision of legal assistance, such as forensic psychologists, and the Attorney General's Office had recently issued a special resolution to facilitate access to justice.

20. The authorities had close relationships and in some cases strategic alliances with women's NGOs and often drew on their expertise for training and victim support. A recent example of NGO cooperation had been the compilation of a national directory of support services for victims of trafficking that contained details of all civil society and government organizations able to provide assistance.

21. **Ms. García** (Dominican Republic) said that there were now around 35 gender equity and development offices within the different State institutions nationwide, including in rural areas and traditionally male-dominated domains such as the police force and port authorities. Each institution was required to assign a proportion of its operational budget to those offices and the central coordinating body provided training for their staff to ensure that the budget guidelines were respected and that gender equity considerations were accorded due attention.

22. Cooperation and coordination with civil society was significant, especially in areas in which the gender gap was particularly pronounced, such as health care, sexual and reproductive rights and domestic violence. A prime example of that cooperation was an assistance programme for women seeking refuge in Haiti, border areas and the Dominican Republic itself, that was funded by international donors and run in conjunction with the Ministry for Women of Haiti.

23. **Ms. Lizardo** (Dominican Republic) said that gender mainstreaming in policy and resource allocation was one of the priority lines of action established in the National Development Strategy. Improving access to justice, specifically through the more effective use of information and communication technology, was another focus and a dedicated contact centre and telephone hotline had recently been established to ensure rapid access to information and advice, to increase complaint handling capacity and to reduce case processing times.

24. **Ms. Rodríguez** (Dominican Republic) assured the Committee that her Government was fully aware of the distinction between equity and equality. Equity was not a substitute goal but a means to achieve the equality that was the ultimate goal. She also assured them that the Dominican Republic was a secular society. The churches were undeniably influential in the enjoyment and promotion of women's rights, but coordination between the Ministry of Women and women's civil society organizations ensured that their influence did not extend beyond their respective constituencies.

25. **Ms. Germán** (Dominican Republic), returning to the issue of access to justice, said that the Ministry of Women had 52 legal offices nationwide that provided free support and advice to female victims of violence throughout judicial proceedings.

Articles 4 to 6

26. **Ms. Haidar** asked why, given the existence of quotas and a legal framework to promote women's participation in politics, women held less than 10 per cent of seats in the Senate and on municipal councils. The figures pointed to a lack of appropriate mechanisms for translating law into practice, especially at the grass-roots level. Noting that the report lacked information about women's representation in decision-making positions in other areas such as the judiciary, she asked why women were not better represented in working life, given their high level of skills and education, and what measures and programmes were envisaged to strengthen their participation in politics, the judiciary and all other professions in general.

27. **Ms. Pimentel** sought assurances that the 1997 law criminalizing violence against women was being effectively implemented, that the 2001 bill to reform the Criminal Code, which contained provisions contrary to the new Constitution of 2010, had been shelved, and that a new bill which rectified the deficiencies identified would be adopted in the near future. With regard to access to justice, she would like to know: what proportion of complaints of violations of human rights in general and women's rights in particular reached the courts; whether that proportion was in line with the corresponding figures for other types of complaints; whether prosecutors and other legal officers received adequate training in how to lead trials and prosecutions from a gender perspective; whether there had been any analytical studies of cases in which gender issues had been addressed in court; and whether, following the example set by the Supreme Court of Mexico, the judicial authorities might issue guidelines on how to conduct a trial from a gender perspective.

28. **Ms. Leinarte** said that the State party's fourth place in the International Organization for Migration rankings of countries based on percentage of female citizens living overseas was alarming, given that many of those women were likely to have been victims of trafficking, deception or fraudulent offers of marriage or employment. In addition, many Haitian women were exploited for sexual or labour purposes within the Dominican Republic itself, making the State party a destination as well as a source country for trafficking. The 2003 Act against the smuggling of migrants and trafficking in persons had been a major advance; however, preventive programmes and victim support and rehabilitation facilities were also essential. More information about the outcomes of the national action plan against trafficking and smuggling was needed, as well as details of any campaigns to raise awareness of the risks of trafficking and smuggling being conducted in secondary schools or in the national media.

29. Since the obstacles to victim identification made it difficult to obtain reliable data, she would also like to know what was being done to collect statistical data that would allow the Government to gauge the scale of the trafficking problem, and particularly trafficking for sexual exploitation. She asked where prostitution was legal, illegal or somewhere between, what support was available for sex workers, particularly those with drug addiction problems, and what was being done to stop young girls engaging in prostitution.

30. **Ms. Reyes** (Dominican Republic) said that her Government was aware that systemic problems were restricting the number of prosecutions brought and convictions obtained in cases of human rights violations. However, the judicial authorities were working to improve the support available for victims, to encourage them not to abandon the legal process, to strengthen awareness and cultural understanding of the issues, to increase the conviction rate for domestic violence, to ensure that all judicial officers received appropriate training and thus to prevent double victimization. The United Nations Population Fund was leading a study to assess the efficacy of the inter-institutional cooperation that was essential to that process and would publish its conclusions in October 2013.

31. Procuring was a criminal offence but prostitution was not. A dedicated anti-trafficking unit had been set up within the Ministry of Justice to tackle the root causes as well as the legal aspects of the problem, and the Prosecution Service had a monthly budget allocation to provide adequate shelter for women and child victims of trafficking and prostitution.

32. **Ms. Graciano** (Dominican Republic) said that the Central Electoral Board was fully cognizant of the difficulties that continued to impede women's participation in politics despite all the affirmative action taken, and that more therefore needed to be done to reduce the gender gap. A review of the situation had been initiated in May 2013 under the auspices of the United Nations Development Programme (UNDP) to which all the stakeholders including political parties and civil society had been invited to contribute.

33. **Ms. Germán** (Dominican Republic) said that each of the Ministry of Women's legal offices throughout the country offered information and advice on trafficking and smuggling issues. Although their role was mainly preventive, victim support and assistance was also available. The Government acknowledged the severity of the problem and had established an inter-institutional committee composed of representatives of the relevant ministries to coordinate and oversee the measures adopted, which included education in schools. In the last three months, over 100 child victims of trafficking had been rescued from prostitution and many women victims had been placed on government employment integration programmes.

34. **Ms. Rodríguez** (Dominican Republic) said that the bill to reform the Criminal Code had been adopted by the Chamber of Deputies but needed to be approved by the Senate. The legislature was working to resolve the outstanding issues, which included the definition of femicide and the possibility of decriminalizing abortion. The legislature was also considering changing the current preferential voting system, which was at least in part responsible for women's failure to obtain the level of political representation provided for in the Constitution and the law on political parties.

35. **Ms. Germán** (Dominican Republic) said that there was no legal tolerance of prostitution.

36. **Ms. Pimentel** asked whether women whose civil rights had been violated received legal assistance in judicial proceedings, whether lawyers and members of the judiciary received appropriate training in human rights and especially women's rights, and whether any analytical studies had been done of cases involving gender-based violations.

37. **Ms. Leinarte** asked how many shelters for women there were in the State party, stressing the need for such shelters, inter alia, to encourage victims of trafficking to stand witness in trials.

38. **Ms. Jahan** said that according to the information received by the Committee black women and women of Haitian descent suffered discrimination in the State party. In the absence of a State policy on discrimination, she asked what measures were being taken to prevent discrimination, raise public awareness and apply penalties.

39. **Ms. Pomeranzi** said that there were discrepancies in the data concerning femicide provided in the report, perhaps due to different definitions used by the various State departments. She asked whether the National Statistics Office (ONE) was working on an authoritative definition.

40. **Ms. Haidar** requested clarification regarding the initiative launched under the auspices of UNDP to help reduce the gender gap in politics.

41. **Ms. Schulz** said that when considering the periodic report of the Dominican Republic in March 2013, the Committee on the Elimination of Racial Discrimination had

expressed concern about the absence of measures to combat racial discrimination, the lack of related disaggregated statistics and the discrimination against women of African descent in particular. She asked what was being done to remedy the situation.

42. **Ms. Reyes** (Dominican Republic) said that there were plans to provide legal aid for women whose civil rights had been violated, as was already available for victims of criminal offences. Gender issues were covered in training for police officers and judges as well as in academic curricula, especially in law schools. Police officers and judges also received training on victim assistance. She requested clarification regarding Ms. Pimentel's question on analytical studies.

43. **Ms. Pimentel** asked whether any qualitative analysis had been carried out into the language used in court proceedings, in terms of gender issues.

44. **Ms. Reyes** (Dominican Republic) said that a qualitative analysis had been carried out recently by the judiciary to determine the quality of convictions, particularly in terms of gender issues. Its results would be published shortly. The definition of femicide had been changed; moreover, femicide had recently been classified as an offence. The Attorney-General's Office issued statistics on femicide. There was an observatory on violence against women, coordinated by the Ministry of the Interior and the Police that was working to improve the data-collection system, particularly in respect of femicide.

45. **Ms. Lizardo** (Dominican Republic) said that an induction manual had been drafted which provided all judicial staff with the conceptual tools to understand gender issues, including related legal obligations under national and international instruments. A training programme to raise awareness of trafficking issues had been launched for security personnel working in border areas, with the support of the Office of the United Nations High Commissioner for Refugees, and an international agreement to combat sexual exploitation in the tourism industry had been signed.

46. **Ms. Germán** (Dominican Republic) said that the Ministry of Women ran two main shelters for victims of violence, so far with good results; it had also recently established a shelter for victims of trafficking. Women's lack of economic independence and fear were significant barriers to them reporting domestic violence, so various measures to encourage them to come forward were being implemented. Steps to ensure that children were registered at birth and received an education even if they did not have identity documents had been taken, without distinction between the children of Dominicans and the children of foreigners.

47. **Mr. Delancer Despradel** (Dominican Republic) said that equal and free access to health services was guaranteed for all in the Dominican Republic, without any discrimination. In addition, maternal health care was free for all women; whereas in Haiti it was not, which meant that significant numbers of Haitian women availed themselves of maternity services in the Dominican Republic.

Articles 7 and 8

48. **Ms. Pires** noted that despite the relatively high numbers of women in public service, their representation decreased further up the hierarchy, especially in decision-making positions and asked what measures were being taken to address the issue. She requested clarification regarding the mayoral elections of 2010, as it had been reported that the list system had limited women to non-decision-making roles. She asked whether the initiative to engage different sectors in the discussion on women in public and political life would tackle the problem of machismo, mentioned in the State party's replies. She enquired about the timeline for the adoption of draft legislation on political parties and electoral parity and whether such legislation would establish penalties for non-compliance. She asked which National Congress committees had women members and whether any were chaired by

women. Finally, she asked what measures were in place to address the low numbers of female ambassadors and heads of missions.

49. **Ms. Schulz** requested clarification on the situation of people of Haitian descent whose status had changed due to the migration law of 2004 and amendment of the Constitution in 2010. She asked what steps had been taken to deal with the problems faced by people of Haitian descent in obtaining birth certificates for their children, given their importance when accessing services.

50. **Ms. Germán** (Dominican Republic), referring to the issue of women mayors, said that the system used in parliamentary elections, where women must make up 33 per cent of lists, was mirrored in municipal governments and therefore the number of women was increasing. However, the abolition of the preferential vote was being called for because, due to cultural and financial reasons, men had greater resources and tended to fare better in elections. Diplomats were appointed by presidential decree and women could influence such decisions, resulting in the appointment of women to decision-making positions.

51. **Ms. Rodríguez** (Dominican Republic) said that 20 per cent of deputies were women and six committees were chaired by women.

52. **Ms. Fernández** (Dominican Republic) said that following a review of the migration law by the Supreme Court in 2005, the Central Electoral Board had been ordered to establish a register of non-resident alien mothers, in accordance with the Constitution. Under decisions issued subsequently by the Board, civil registry staff had been instructed to register the birth of children of aliens pending a review of their parents' situation and to register the birth of the children of Dominicans and aliens even when their identity documents or visas had expired. To date more than 17,000 alien children had thus been registered, whereas children born prior to the 2004 migration law had not been registered. In 2011 the Supreme Court had ruled that such a system was not discriminatory.

53. **Ms. García** (Dominican Republic) said that the law on political parties had increased representation, as borne out by the relevant statistics, but other policies were needed. The Ministry of Women was striving to ensure that minimum quotas were applied as well as the passage of a comprehensive law on political parties. Awareness-raising activities on women's political rights had proved effective. For example, in the Senate, women were involved in 16 of the 27 committees, including committees that were traditionally the preserve of men. Three committees were chaired by women and there had been female vice-presidents of the Senate and the Chamber of Deputies. There was a need for specific legislation governing political parties and greater female participation in administration in general to ensure parity at all levels.

54. **Ms. Graciano** (Dominican Republic) said that the Central Electoral Board had proposed several measures regarding the regularization of people of Haitian descent. They included the provision of logistical support to the Government of Haiti for identifying Haitian nationals in the Dominican Republic and the establishment of a register for illegal aliens who were in the Dominican Republic for special reasons with a view to their naturalization. There was a strategy for increasing the representation of women in political life, a related UNDP study and plans to organize workshops for actors concerned.

55. **Ms. Schulz** asked how many people would be regularized via the register for people in special situations. She expressed concern about the worsening situation of stateless Dominicans of Haitian descent and reports of harassment during protests. She wondered whether the regularization process would resolve the problem.

The meeting rose at 1 p.m.