



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the eighth periodic report of the Dominican Republic\*

#### General

1. Information and statistics, disaggregated by sex, age, origin and location, on the current situation of women in the State party will enable improved monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (CEDAW/C/DOM/CO/6-7, paras. 2, 23–25, 28–29, 33 and 35),<sup>1</sup> please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and measure progress towards the implementation of the Convention and the promotion of substantive equality of women and men, including with regard to the specific areas covered herein.

#### Definition of discrimination and legislative framework

2. In the light of the Committee's previous concluding observations (para. 11 (a) and (b)), as well as in accordance with articles 1 and 2 of the Convention, please provide information on specific measures taken to introduce a comprehensive definition of discrimination against women that encompasses direct and indirect discrimination and discrimination in the public and private spheres by State and non-State actors. Please also provide information on how the principle of non-discrimination has been implemented in practice. Please report on the content and status of the bill on equality and non-discrimination.

3. Please provide information on the current status of the draft legislation on a comprehensive system for preventing, addressing, punishing and eradicating violence against women, on sexual and reproductive rights and on gender identity, including information on major content, the timeline for adoption and any obstacles to approval. Please also provide information on plans to accede to the 1954 Convention relating

\* Adopted by the Committee at its seventy-second session (18 February–8 March 2019).

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

#### **Access to justice**

4. Please provide information on measures taken to ensure that all women in the State party, including older women, women of Haitian origin, women with disabilities, refugees and asylum seekers, are aware of their rights under the Convention and are able to invoke them through unfettered access to justice when those rights have been violated. Please also provide information on relevant cases brought before the courts with regard to discrimination against women, including their outcomes, indicating whether the Convention was invoked. Please provide information on the availability and number of beneficiaries of free legal aid in the State party and any factors impeding the access of women thereto. Please also provide information on the role and mandate of the National Public Defence Office. Please indicate whether women have access to legal aid in cases relating to gender-based discrimination in civil and labour courts and whether the State party plans to expand free legal aid services to rural areas. Please also elaborate on the content and implementation of the gender equality policy adopted by the judiciary and on the role and activities of the Justice and Gender Monitoring Centre. Please indicate whether law enforcement officials have been trained in the Convention and on gender equality and non-discrimination.

#### **National machinery for the advancement of women**

5. In the light of the Committee's previous concluding observations (para. 19), please provide information on the implementation and impact of the national gender equality and equity plan that covered the period 2007–2017. Please also provide information on any steps taken to strengthen the human and technical resources of the Ministry of Women and measures taken to promote cooperation among the various entities of the national machinery for the advancement of women. Please describe steps taken to put in a place a system to monitor the implementation of the national plan in the context of the Convention.

#### **Stereotypes and harmful practices**

6. Please provide information on sustained long-term measures taken to address the stereotyped portrayal of women, in particular women of Haitian descent, lesbian, bisexual and transgender women and intersex persons and women with disabilities, including in the media and the business sector, as provided for in the national gender equality and equity plan and as recommended by the Committee in its previous concluding observations (para. 23 (a) and (b)). Please also provide information on efforts to monitor the impact of such measures and on the trends of changing attitudes relating to the traditional roles of women and men in the family and society.

7. According to information before the Committee, forced pregnancy and child marriage remain prevalent in the State party, in particular in rural and poor areas. Please provide updated data, disaggregated by sex, age, origin and rural and urban area, on persons under the age of 18 years who married in the State party during the reporting period. Please also provide information on the implementation and monitoring of measures taken to eliminate harmful practices since the consideration of the previous periodic report.

#### **Gender-based violence against women**

8. Please elaborate on the major content and current status of the bill on violence against women and state whether femicide is criminalized therein. Please describe the

timeline for the approval of the bill and any factors impeding its adoption. Please also provide data on the number of cases of violence against women and girls that were reported during the period under consideration, including detailed information on how many perpetrators of acts of violence against women and girls, including those with disabilities, were prosecuted and punished, and the sanctions imposed and reparations paid to victims. Please also include statistics on how many women and girls were murdered per year as a result of domestic violence during the reporting period. Please also provide information on efforts to strengthen the judicial system in order to prevent impunity for perpetrators of gender-based violence against women, as well as efforts to protect victims, including through restraining orders, the establishment of shelters and the provision of access to medical, psychosocial and legal assistance. Please elaborate on the provision of free legal services by the Ministry of Women and the Attorney General's Office and explain how information about these services is disseminated. Please also provide information on any training programmes on combating gender-based violence against women for members of the judiciary and the police and the outcome thereof.

### **Trafficking and exploitation of prostitution**

9. In the light of the Committee's previous concluding observations (para. 27), please describe measures taken to address the root causes of trafficking, including by strengthening bilateral and regional cooperation to prevent women and girls from being trafficked and ensuring the protection of victims and the prosecution and punishment of perpetrators. Please also provide information on the major content and implementation of the national plan of action against trafficking in persons and smuggling of migrants, covering the period 2017–2020, as well as the resources allocated thereto. Please describe the role and mandate of the Special Prosecutor's Office in addressing the smuggling of migrants and trafficking in persons, as well as any significant results achieved since its establishment. Please also provide information on measures taken to provide adequate assistance and protection, including temporary shelter and rehabilitation and reintegration services, and state whether there are plans to expand the "Casa Malala" project to other regions of the State party. In this regard, please provide information on measures taken to ensure sensitivity and awareness in the treatment of women who are victims of trafficking in order to prevent their revictimization and protect witnesses. Please also provide information on the number of prosecutions, as well as convictions and the sentences imposed, for trafficking in women and girls during the reporting period. Please provide information on the applicable legal framework and measures taken to prevent the exploitation of women and girls in prostitution. Please also indicate whether measures exist to support women who wish to leave prostitution, including access to alternative means of livelihood.

### **Participation in political and public life**

10. According to information before the Committee, women suffer from a considerable lack of representation in political and public life and in the public and private sectors, in particular in managerial and senior positions, including in the legislative branch, the Government, public administration, political parties and the representation of the State party in the international arena. Please elaborate on the content of the new legislation on political parties, which increases the gender quota from 33 to 40 per cent for all elective offices. Please also indicate whether it includes sanctions for non-compliance and whether mechanisms are in place to ensure its implementation. If the legislation was applied in the most recent elections, please provide data on the outcome that it yielded. Please also provide information on the current status of the bill to reform the electoral legislation. Please indicate whether campaigns have been conducted to raise awareness of the importance for society as a

whole of participation by women in decision-making and for the necessary empowerment of women in the State party during the reporting period and, if so, what the impact has been. Please also provide data on the number of lawyers, prosecutors and judges at all levels of the judiciary who are women.

### **Nationality**

11. Please provide information on steps taken to remedy the discriminatory provisions in General Immigration Act No. 285-04, in particular article 28 (1), which establishes a special registration procedure for children born in the State party to foreign mothers. According to the provision, health staff should, when deciding which birth certificate to issue, determine the nationality or legal status of the mother and, consequently, of the child. Please also explain why children born to foreign women and Dominican fathers are considered foreigners and, therefore, receive a different birth certificate, even though a father does transmit his nationality under the Constitution. Please also clarify whether the State party intends to eliminate the practice of issuing different birth certificates for children of nationals of the Dominican Republic and children of foreigners.

12. Following the constitutional changes made in 2010 that formally excluded individuals born to parents without Dominican nationality or legal residency status from the scope of the *jus soli* acquisition of nationality rights and the subsequent Constitutional Court ruling No. 168-13, pursuant to which thousands of persons were arbitrarily deprived of nationality, the State party adopted Act No. 169-14 in 2014 with the purpose of, inter alia, regularizing birth registration for persons born or residing in the country. Against this background, please provide detailed information and up-to-date data on the impact of this legislation on the naturalization process for Haitian women and their children. Please also provide information on the number of women of Haitian origin and their children left out of this process and the steps taken to facilitate the naturalization process. Please clarify whether any legal restrictions remain in obtaining citizenship for children born in the State party to foreign mothers, in particular children with Haitian mothers.

### **Education**

13. According to information before the Committee, the national pact for educational reform, adopted in 2014, envisages age-appropriate sex education in school curricula. Please provide information on whether the reform has been implemented and the outcome of any impact assessments made. Please explain the gender gap in performance in mathematics at various levels of the education system and provide information on measures taken to reverse the trend and encourage women to choose non-traditional fields of study. Please also provide data on school dropout rates, disaggregated by sex, age and urban and rural area, at each level of the education system and explain any differences between the rates for girls and boys. Please also provide data, disaggregated by sex, age, urban and rural area and disability, on the highest education level attained during the reporting period. Please provide information on measures taken to ensure access to inclusive education for women with disabilities, as stipulated in Act No. 05/13.

### **Employment and social security**

14. In the light of the entry into force of the International Labour Organization Maternity Protection Convention, 2000 (No. 183), in 2017, and the subsequent amendments to the Labour Code and the Social Security Act, please provide information on the content and status of implementation of that legislation. Please indicate whether the laws provide for monitoring and grievance mechanisms if their provisions are not respected and, if so, what the sanctions are. According to information

before the Committee, the gender gap in labour participation is considerable. Please provide up-to-date data on this participation rate, disaggregated by sex, age, level of poverty and rural and urban area. Please also provide information on steps that have been taken to close the gender pay gap. Please provide statistical data on the percentage of men and women employed in the formal and informal sectors. Please also provide data on unemployment rates, disaggregated by sex, age, origin and urban and rural area. Please indicate how many women have access to social security and benefits, including pensions for old age or disability. Please also provide information on the implementation of the 5 per cent reservation quota on employment in public office for persons with disabilities. Please indicate the measures that are being taken to ensure that the quota is filled by women with disabilities and provide information on steps taken to introduce a minimum wage for domestic workers and a maximum number of working hours. Please also provide information on the status of implementation of the International Labour Organization Domestic Workers Convention, 2011 (No. 189), as well as on any problems encountered. Please provide information on the status of the bill on domestic work, as well as on the poverty level in households headed by women. Please indicate the participation rate of women in sectors with high economic productivity and the measures that are in place to ensure the safety and security of women in the workplace.

15. Please provide information on measures taken to improve the functioning of the subsidized social security scheme, including steps taken to increase coverage for women and make them less dependent by changing their status from dependent to holder. Please indicate whether women who are heads of household have access to the scheme and provide information on steps taken to increase social protection coverage for women of Haitian origin, and asylum seekers and refugees.

## **Health**

16. According to information before the Committee, a proposed bill to amend the Criminal Code to decriminalize abortion in three situations has been ruled to be unconstitutional by the Constitutional Court and, as a result, the Code of 1884 remains in force. In the light of the Committee's previous concluding observations (para. 37 (c)), please provide information on the current status of the bill and measures taken to allow abortion in cases of threat to the life or health of the mother, rape, incest or severe fetal impairment and to remove punitive measures for women who undergo abortion. Please also provide detailed information regarding the demand for abortion services on the part of women and girls, as well as information on the accessibility and use by women and girls of sexual and reproductive health services in rural and urban areas.

17. Data before the Committee indicate that, in 2015, the year for which the most recent data are available, there were 92 maternal deaths per 100,000 live births in the State party, which exceeded the regional average of 67 in Latin America and the Caribbean. There were significant geographical differences, with the north-west of the State party having rates that were 80 per cent higher than elsewhere in the State party. Please provide information explaining these numbers, as well as on measures taken to reverse this pattern, considering that a majority of the deaths are preventable, occur in hospitals and are a result of inadequate care. Please also provide information on the content and implementation of the plan of action to accelerate the reduction of maternal and neonatal mortality, covering the period 2018–2020, including on the budgetary allocation thereto.

18. According to information before the Committee, adolescent pregnancy rates remain high, exceeding the average in Latin America and the Caribbean by more than 52 per cent. Please provide information on measures taken to reduce the rate, such as improving access to sexual and reproductive health services and contraceptives and

providing comprehensive sex education. Please provide information on the impact of the strategic plan for the reduction of adolescent pregnancy, which covered the period 2011–2016, and state whether it will be renewed.

19. Please provide data, disaggregated by age, sex, origin and rural and urban area, on the prevalence of HIV in the State party. Please also provide information on the HIV rate among pregnant women and the rate of mother-to-child transmission, as well as on the impact of the national strategic plan on sexually transmitted infections and HIV/AIDS, which covered the period 2015–2018.

20. Please provide information on training provided to health personnel to eliminate prejudice and stereotypes against women in prostitution and lesbian, bisexual and transgender women and intersex persons, as well as on measures taken to ensure equal access to health care.

### **Rural women**

21. Information before the Committee shows that rural women in the State party face higher levels of inequality than other women in the State party, in all areas of life. Please describe measures taken to ensure that all policies and programmes aimed at promoting gender equality, including those relating to health, education, employment and the elimination of violence against women, reach the rural areas and are fully implemented. In particular, please inform the Committee of efforts undertaken to ensure universal access to high-quality health services on the part of rural women. Please indicate whether measures taken have been assessed and how effective monitoring is ensured. In addition, in line with article 14 of the Convention and the Committee's general recommendation No. 34 (2016) on the rights of rural women, please indicate specific measures taken to empower rural women and eliminate discrimination against them. Please provide information on rural women living in poverty and measures taken to address that issue.

### **Asylum-seeking women**

22. Please provide information on the level of gender sensitivity in the State party's asylum process, indicating, for example, whether women are interviewed separately or together with their families. Please also indicate whether asylum-seeking women have the opportunity to submit a claim in their own right, as well as whether they receive information about the possibility of being assisted by an interviewer and/or an interpreter who is a woman. Please also provide information on the current status of the bill to reform the asylum process.

### **Marriage and family relations**

23. In the light of the State party's acceptance of the recommendation to prohibit corporal punishment in all settings during the universal periodic review in 2014 and the information provided to the Human Rights Committee, in July 2017, that a preliminary bill to promote positive parenting and prohibit the physical abuse of children was being prepared, please provide information on the current situation and progress made in adopting the bill. Please also provide information on steps taken to amend the current Civil Code, which allows minors to marry with parental or judicial authorization, and raise the legal minimum age for marriage of women to 18 years.

**Additional information**

24. Please provide any additional information deemed relevant regarding legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic reports, in 2013. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party is expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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